

***Jamon Brim v. Midland Credit Management, et al.***  
**Case No. 5:10-cv-0369-IPJ**

**Exhibit C**  
**Deposition of Jamon Brim**

**FREEDOM COURT REPORTING**

<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE NORTHERN DISTRICT OF ALABAMA</p> <p>3 NORTHEASTERN DIVISION</p> <p>4 CIVIL ACTION NUMBER 5:10 CV369-IPJ</p> <p>5</p> <p>6 JAMON T. BRIM,</p> <p>7 Plaintiff,</p> <p>8 V.</p> <p>9 DELL FINANCIAL SERVICES, LLC; et al.,</p> <p>10 Defendants.</p> <p>11</p> <p>12 S T I P U L A T I O N</p> <p>13 IT IS STIPULATED AND AGREED by and</p> <p>14 between the parties through their respective</p> <p>15 counsel that the deposition of JAMON T. BRIM,</p> <p>16 may be taken before Lori S. Sizemore,</p> <p>17 Registered Professional Reporter, Notary</p> <p>18 Public, State of Alabama at Large, at the</p> <p>19 offices of Freedom Reporting, Huntsville,</p> <p>20 Alabama, on OCTOBER 13, 2010, commencing at</p> <p>21 approximately 9:00 A.M.</p> <p>22 IT IS FURTHER STIPULATED AND AGREED</p> <p>23 that the signature to and the reading of the</p>	<p style="text-align: right;">Page 3</p> <p>1 I N D E X</p> <p>2</p> <p>3 EXAMINATION INDEX</p> <p>4</p> <p>5 EXAMINATION OF JAMON BRIM</p> <p>6 BY MR. TOMPKINS . . . . . 6</p> <p>7</p> <p>8 EXHIBIT INDEX</p> <p>9 Defendant's</p> <p>10 1 Itemized statement 25</p> <p>11 2 Surge protector statement 27</p> <p>12 3 Statement 29</p> <p>13 4 Purchase document 30</p> <p>14 5 Statement 36</p> <p>15 6 BBB Complaint 42</p> <p>16 7 Letter to Dell 51</p> <p>17 8 Letter from Dell 54</p> <p>18 9 Letter to Midland 58</p> <p>19 10 Letter to Midland dated 3/10/09 61</p> <p>20 11 Equifax credit report 69</p> <p>21 12 Experian credit report 77</p> <p>22 13 TransUnion credit report 82</p> <p>23 14 Letter sent to Equifax 86</p>
<p style="text-align: right;">Page 2</p> <p>1 deposition by the witness is waived, the</p> <p>2 deposition to have the same force and effect as</p> <p>3 if full compliance had been had with all laws</p> <p>4 and rules of Court relating to the taking of</p> <p>5 depositions.</p> <p>6 IT IS FURTHER STIPULATED AND AGREED</p> <p>7 that it shall not be necessary for any</p> <p>8 objections to be made by counsel to any</p> <p>9 questions, except as to form or leading</p> <p>10 questions and that counsel for the parties may</p> <p>11 make objections and assign grounds at the time</p> <p>12 of trial or at the time said deposition is</p> <p>13 offered in evidence, or prior thereto.</p> <p>14 IT IS FURTHER STIPULATED AND AGREED</p> <p>15 that notice of filing of the deposition by the</p> <p>16 Commissioner is waived.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p style="text-align: right;">Page 4</p> <p>1 EXHIBIT INDEX CONTINUED</p> <p>2 Defendant's</p> <p>3 16 Letter sent to TransUnion 88</p> <p>4 17 Investigation from TransUnion 89</p> <p>5 18 Experian Credit Report 92</p> <p>6 19 Letter sent to Equifax 93</p> <p>7 20 Dispute to Experian 96</p> <p>8 21 Letter to TransUnion 98</p> <p>9 22 Investigation from Equifax 100</p> <p>10 23 TransUnion investigation result 102</p> <p>11 24 Experian results 103</p> <p>12 25 Redstone document 124</p> <p>13 26 American Express credit denial 129</p> <p>14 27 Plaintiff's Response to Defendant 140</p> <p>15 Midland's First Interrogatories</p> <p>16 and Request for Production</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>

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**FREEDOM COURT REPORTING**

Page 5	Page 7
<p>1           A P P E A R A N C E S</p> <p>2</p> <p>3    APPEARING ON BEHALF OF THE PLAINTIFF:</p> <p>4        Ronald C. Sykstus</p> <p>5        BOND, BOTES, SYKSTUS, TANNER</p> <p>6        &amp; EZZELL, P.C.</p> <p>7        415 Church Street, Suite 100</p> <p>8        Huntsville, Alabama 35601</p> <p>9</p> <p>10   APPEARING ON BEHALF OF THE DEFENDANTS:</p> <p>11        Jason B. Tompkins, Esq.</p> <p>12        BALCH &amp; BINGHAM, LLP</p> <p>13        Post Office Box 306</p> <p>14        Birmingham, Alabama 35201</p> <p>15</p> <p>16</p> <p>17</p> <p>18        I, Lori S. Sizemore, a Registered</p> <p>19        Professional Reporter, of Decatur, Alabama, and</p> <p>20        a Notary Public for the State of Alabama at</p> <p>21        Large, acting as Commissioner, certify that on</p> <p>22        this date, pursuant to the Federal Rules of</p> <p>23        Civil Procedure, and the foregoing stipulation</p>	<p>1    questions, just let me know and I'll repeat</p> <p>2    them or try to rephrase it. Make sure you</p> <p>3    answer all the questions clearly since</p> <p>4    everything you say is being taken down.</p> <p>5    Um-hums and hum-ums don't come off very well</p> <p>6    when you read them and can't get the tone. If</p> <p>7    you need to take any breaks, just let me know.</p> <p>8    And that's fine. I just ask that we don't take</p> <p>9    a break while the question is pending. Answer</p> <p>10   the question that's pending and then you can</p> <p>11   take a break if you need to.</p> <p>12        For the record, would you state your full</p> <p>13   name?</p> <p>14        A. Jamon Tremayne Brim.</p> <p>15        Q. Would you spell your middle name?</p> <p>16        A. T-R-E-M-A-Y-N-E.</p> <p>17        Q. Mr. Brim, how old are you?</p> <p>18        A. Thirty-two.</p> <p>19        Q. And what's your birth date?</p> <p>20        A. [REDACTED] 1977.</p> <p>21        Q. Are you married?</p> <p>22        A. No.</p> <p>23        Q. Have you ever been married?</p>
Page 6	Page 8
<p>1    of counsel, there came before me at the offices</p> <p>2    of Freedom Reporting, Huntsville, Alabama,</p> <p>3    commencing at approximately 9:00 A.M. on</p> <p>4    OCTOBER 13, 2010, JAMON T. BRIM, witness in the</p> <p>5    above cause, for oral examination, whereupon</p> <p>6    the following proceedings were had:</p> <p>7</p> <p>8        JAMON T. BRIM,</p> <p>9        being first duly sworn, was examined</p> <p>10       and testified as follows:</p> <p>11</p> <p>12       COURT REPORTER: Usual stipulations?</p> <p>13       MR. SYKSTUS: Yes.</p> <p>14       MR. TOMPKINS: Yes.</p> <p>15       EXAMINATION</p> <p>16    BY MR. TOMPKINS:</p> <p>17       Q. Mr. Brim, my name is Jason Tompkins. I</p> <p>18       represent Midland Funding &amp; Midland Credit</p> <p>19       Management in the lawsuit you filed. I'm going</p> <p>20       to be asking you questions today. Have you</p> <p>21       ever given a deposition before?</p> <p>22       A. I have not.</p> <p>23       Q. If you don't understand any of my</p>	<p>1    A. No.</p> <p>2    Q. Do you have any children?</p> <p>3    A. Yes.</p> <p>4    Q. How many children do you have?</p> <p>5    A. Two.</p> <p>6    Q. And what are their names?</p> <p>7    A. JaMya Brim and Angela Brim.</p> <p>8    Q. Can you spell --</p> <p>9    A. J-A-M-Y-A. Capital M-Y-A, Brim.</p> <p>10   Q. And Angela Brim?</p> <p>11   A. Yes.</p> <p>12   Q. And how old are they?</p> <p>13   A. Seven and four.</p> <p>14   Q. Do they live with you?</p> <p>15   A. No.</p> <p>16   Q. And who do they live with?</p> <p>17   A. Their mother.</p> <p>18   Q. And what is her name?</p> <p>19   A. Adrienne Jones.</p> <p>20   Q. Ms. Jones and your children live in</p> <p>21   Huntsville?</p> <p>22   A. Yes.</p> <p>23   Q. Are you on any medications today?</p>

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**FREEDOM COURT REPORTING**

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<p>1 A. No.</p> <p>2 Q. Have you taken any medications in the</p> <p>3 last twenty-four hours?</p> <p>4 A. No.</p> <p>5 Q. Where do you currently live?</p> <p>6 A. My address?</p> <p>7 Q. Yes, your address.</p> <p>8 A. 2426 Autumn Ridge Drive Southwest,</p> <p>9 Huntsville, Alabama 35803.</p> <p>10 Q. And is that a house or an apartment?</p> <p>11 A. A house.</p> <p>12 Q. Do you own that house?</p> <p>13 A. I'm trying to own it. The bank owns it</p> <p>14 now.</p> <p>15 Q. So you have a mortgage?</p> <p>16 A. Yes.</p> <p>17 Q. And how long have you lived there?</p> <p>18 A. A year.</p> <p>19 Q. Does anyone live with you there?</p> <p>20 A. No.</p> <p>21 Q. Where did you live before 2426 Autumn</p> <p>22 Ridge?</p> <p>23 A. 2225 Golf Road Southwest, Unit 106,</p>	<p>1 A. Bachelor's degree.</p> <p>2 Q. And what is that degree in?</p> <p>3 A. Business management.</p> <p>4 Q. And where is that degree from?</p> <p>5 A. Alabama A &amp; M.</p> <p>6 Q. Is Alabama A &amp; M the only college</p> <p>7 you've attended?</p> <p>8 A. University. Is it, period?</p> <p>9 Q. Is it the only college you attended?</p> <p>10 A. No, it's not.</p> <p>11 Q. Where else did you attend?</p> <p>12 A. University of Maryland, University</p> <p>13 college.</p> <p>14 Q. Did you get a degree?</p> <p>15 A. No.</p> <p>16 Q. Do you remember when you attended the</p> <p>17 University of Maryland?</p> <p>18 A. It was about two years ago.</p> <p>19 Q. What year did you get your --</p> <p>20 A. No, no, it was longer than two years</p> <p>21 ago. It was at least five years.</p> <p>22 Q. What year did you get your degree from</p> <p>23 Alabama A &amp; M?</p>
Page 10	Page 12
<p>1 Huntsville. And the ZIP is 35802.</p> <p>2 Q. I take it that was an apartment?</p> <p>3 A. Yes. It was a condo.</p> <p>4 Q. Did you rent that or own it?</p> <p>5 A. I rented it.</p> <p>6 Q. Did anyone live with you in that unit?</p> <p>7 A. No.</p> <p>8 Q. And how long did you live there?</p> <p>9 A. I cannot remember the exact number.</p> <p>10 I'd say about three or four years, maybe.</p> <p>11 Q. And where did you live before 2225 Golf</p> <p>12 Road?</p> <p>13 A. 4134-H South Memorial Parkway. And it</p> <p>14 was the same ZIP as Golf Road.</p> <p>15 Q. Is that a house or an apartment?</p> <p>16 A. Apartment.</p> <p>17 Q. And you rented that apartment?</p> <p>18 A. Yes.</p> <p>19 Q. Do you recall how long you lived at</p> <p>20 that address?</p> <p>21 A. I do not.</p> <p>22 Q. What's the highest level of education</p> <p>23 that you've completed?</p>	<p>1 A. 2004.</p> <p>2 Q. Do you have any student loans for any</p> <p>3 of these --</p> <p>4 A. Yes.</p> <p>5 Q. -- colleges?</p> <p>6 A. Yes.</p> <p>7 Q. Which one?</p> <p>8 A. Which student loan company or --</p> <p>9 Q. Which universities do you have student</p> <p>10 loans for?</p> <p>11 A. Both of them.</p> <p>12 Q. Both of them?</p> <p>13 A. I went to another school.</p> <p>14 Q. Which one?</p> <p>15 A. Athens State University.</p> <p>16 Q. And when was that?</p> <p>17 A. Last year.</p> <p>18 Q. Are you still going there?</p> <p>19 A. Not this semester. I was.</p> <p>20 Q. Are you working toward another degree?</p> <p>21 A. Yes.</p> <p>22 Q. What degree?</p> <p>23 A. Accounting.</p>

3 (Pages 9 to 12)

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<p>1 Q. And is that a bachelor's degree?</p> <p>2 A. Yes.</p> <p>3 Q. Do you know approximately how much in</p> <p>4 student loans you have?</p> <p>5 A. I do not, total.</p> <p>6 Q. Who are the lenders?</p> <p>7 A. Sallie Mae and direct loans. I think</p> <p>8 it's the U.S. department.</p> <p>9 Q. And where did you graduate from high</p> <p>10 school?</p> <p>11 A. Tupelo High School.</p> <p>12 Q. Mississippi?</p> <p>13 A. Yes.</p> <p>14 Q. What year was that?</p> <p>15 A. '96.</p> <p>16 Q. Are you currently employed?</p> <p>17 A. Yes.</p> <p>18 Q. And where do you work?</p> <p>19 A. Yellow Book USA.</p> <p>20 Q. And what is your position there?</p> <p>21 A. Distribution manager.</p> <p>22 Q. What does a distribution manager do?</p> <p>23 A. I travel around and hire people to</p>	<p>1 Q. And what did you do there?</p> <p>2 A. Distribution. I worked in the</p> <p>3 warehouse. I was a warehouse worker.</p> <p>4 Q. How long did you work at Target?</p> <p>5 A. One or two years.</p> <p>6 Q. Did you have any other sources of</p> <p>7 income other than Yellow Book for the past five</p> <p>8 years?</p> <p>9 A. None.</p> <p>10 Q. Have you ever filed bankruptcy?</p> <p>11 A. No.</p> <p>12 Q. Have you ever been convicted of any</p> <p>13 criminal offense?</p> <p>14 A. No.</p> <p>15 Q. And I want to talk a little bit about</p> <p>16 the Dell computer purchase --</p> <p>17 A. Okay.</p> <p>18 Q. -- that forms the basis of this</p> <p>19 lawsuit, ultimately. Do you remember exactly</p> <p>20 what you purchased from Dell?</p> <p>21 A. A computer.</p> <p>22 Q. Anything else other than computer?</p> <p>23 A. A surge protector that came with the --</p>
Page 14	Page 16
<p>1 distribute the Yellow Book product.</p> <p>2 Q. And Yellow Book is like the Yellow</p> <p>3 Pages?</p> <p>4 A. That's our competition, but yes.</p> <p>5 Q. How would you describe that? It's a</p> <p>6 directory of?</p> <p>7 A. Service. I would call it a service</p> <p>8 company.</p> <p>9 Q. Is that publication the only product</p> <p>10 that Yellow Book has?</p> <p>11 A. I mean, we buy out -- or they buy out</p> <p>12 other companies, and they don't put Yellow Book</p> <p>13 on the cover right when they buy it out, so --</p> <p>14 Q. But same type of products?</p> <p>15 A. Yes.</p> <p>16 Q. Just different names. How long have</p> <p>17 you worked at Yellow Book?</p> <p>18 A. Five years.</p> <p>19 Q. Is that the only job you've held over</p> <p>20 the last five years?</p> <p>21 A. It is.</p> <p>22 Q. Where did you work before Yellow Book?</p> <p>23 A. Target Distribution Center.</p>	<p>1 you know, I had to buy it separately, but it</p> <p>2 came with the computer.</p> <p>3 Q. Is this a laptop or a desktop?</p> <p>4 A. Desktop.</p> <p>5 Q. Did you buy a monitor?</p> <p>6 A. I mean, it came -- I think it was a</p> <p>7 package.</p> <p>8 Q. And why did you buy a computer?</p> <p>9 A. Because I think at the time I might --</p> <p>10 think I was -- started thinking about online</p> <p>11 school, or maybe I just wanted a computer.</p> <p>12 Q. Do you remember when you made that</p> <p>13 purchase?</p> <p>14 A. October. It was on credit. October.</p> <p>15 Q. When you say it was on credit --</p> <p>16 A. Like it was supposed to be financed,</p> <p>17 but I knew I was going to buy it. This was to</p> <p>18 establish credit.</p> <p>19 Q. October of what year?</p> <p>20 A. '04.</p> <p>21 Q. And how did you order it? Did you do</p> <p>22 it over the phone --</p> <p>23 A. Over the phone.</p>

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**FREEDOM COURT REPORTING**

Page 17	Page 19
<p>1 Q. Did you find the computer through a</p> <p>2 catalog or on the internet?</p> <p>3 A. I just called, I think.</p> <p>4 Q. Did you speak to a live person?</p> <p>5 A. I did.</p> <p>6 Q. Do you recall her name, his name?</p> <p>7 A. It was a her, but I can't remember her</p> <p>8 name.</p> <p>9 Q. You said it was supposed to be</p> <p>10 financed?</p> <p>11 A. Yes.</p> <p>12 Q. Was that directly through Dell?</p> <p>13 A. Yes.</p> <p>14 Q. And why did you choose to finance it</p> <p>15 through Dell?</p> <p>16 A. I mean, it was just, I think, like nine</p> <p>17 hundred and fifty-four dollars -- or nine</p> <p>18 hundred, actually, and the surge protector was</p> <p>19 thirty.</p> <p>20 Q. Were you offered any incentive to</p> <p>21 finance it through Dell?</p> <p>22 A. Just -- I think they had something like</p> <p>23 preferred customer or something. It was</p>	<p>1 Q. And how did --</p> <p>2 A. It was like within fifteen days.</p> <p>3 Q. Within fifteen days of the purchase?</p> <p>4 A. Yes.</p> <p>5 Q. How did you pay it?</p> <p>6 A. Check.</p> <p>7 Q. Bank check?</p> <p>8 A. Like a draft check over the phone.</p> <p>9 Q. Tell me a little bit about that</p> <p>10 process. How did you know what number to call?</p> <p>11 A. I just -- I think it was just a</p> <p>12 one-eight-hundred number that I called, and</p> <p>13 they directed me to the right place.</p> <p>14 Q. Do you remember where you got that</p> <p>15 one-eight-hundred number?</p> <p>16 A. Maybe the same number I called to order</p> <p>17 the computer.</p> <p>18 Q. And they transferred you to someone</p> <p>19 else?</p> <p>20 A. I think so.</p> <p>21 Q. Do you recall if you spoke to a live</p> <p>22 person when --</p> <p>23 A. When I made the payment, I did.</p>
Page 18	Page 20
<p>1 preferred something. I really can't remember.</p> <p>2 Q. Do you remember if you got any sort of</p> <p>3 discount for financing it through Dell?</p> <p>4 A. I don't think it was a discount.</p> <p>5 Q. Did you open a Dell line of credit at</p> <p>6 the time that you placed the order?</p> <p>7 A. Just for the computer.</p> <p>8 Q. Do you remember any of the terms of the</p> <p>9 line of credit? How long you had to pay,</p> <p>10 interest rate, anything like that?</p> <p>11 A. I don't remember because I knew that I</p> <p>12 was going to pay it within thirty days.</p> <p>13 Q. And what was significant about thirty</p> <p>14 days?</p> <p>15 A. That's when they were going to start</p> <p>16 adding on interest.</p> <p>17 Q. And had you ever had a Dell account</p> <p>18 prior to that?</p> <p>19 A. Never had any business with Dell before</p> <p>20 that.</p> <p>21 Q. And did you pay it within the thirty</p> <p>22 days?</p> <p>23 A. Of course.</p>	<p>1 Q. Do you recall that person's name?</p> <p>2 A. I do not.</p> <p>3 Q. So just describe to me what happened on</p> <p>4 the phone when you were transferred to this</p> <p>5 person.</p> <p>6 A. I just told them I was paying the</p> <p>7 computer off.</p> <p>8 Q. Did you tell them the amount you were</p> <p>9 paying?</p> <p>10 A. Well, I knew what it was, but I asked</p> <p>11 him how much did I owe, and he told me and I</p> <p>12 paid it.</p> <p>13 Q. Do you remember receiving a bill before</p> <p>14 calling to make the payment?</p> <p>15 A. I might have, but I do not remember.</p> <p>16 The lady that I spoke to when I ordered the</p> <p>17 computer, she told me exactly how much I owed.</p> <p>18 Q. Is that the amount you paid?</p> <p>19 A. Yes.</p> <p>20 Q. So did this -- you referred to the</p> <p>21 person you talked to when you paid as a him, so</p> <p>22 did he give you the same amount --</p> <p>23 A. Yes.</p>

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Page 21	Page 23
<p>1 Q. -- that the lady when you ordered gave 2 you?</p> <p>3 A. Yes.</p> <p>4 Q. And where was that check drawn from?</p> <p>5 A. Redstone Federal Credit Union.</p> <p>6 Q. And how are you eligible to be a member 7 of that credit union? Through your job or 8 military service?</p> <p>9 A. I just went in.</p> <p>10 Q. Is that an account solely in your name 11 or is it a joint account?</p> <p>12 A. My name.</p> <p>13 Q. Do you remember when you opened that 14 account?</p> <p>15 A. No, I do not.</p> <p>16 Q. Is it still open?</p> <p>17 A. Yes.</p> <p>18 Q. Is there a particular branch of 19 Redstone that you use?</p> <p>20 A. All of them.</p> <p>21 Q. How many are there? Do you know?</p> <p>22 A. I do not know because they have them in 23 Decatur, and I think there is one in Marshall</p>	<p>1 Q. No particular people that you use on a 2 regular basis?</p> <p>3 A. No.</p> <p>4 Q. Did you get a receipt from Dell for 5 that purchase?</p> <p>6 A. If I did, it would have came in the 7 e-mail, and I do not remember.</p> <p>8 Q. Have you checked your e-mail -- 9 searched your e-mail for that?</p> <p>10 A. Yes.</p> <p>11 Q. Did you request a receipt?</p> <p>12 A. I don't remember.</p> <p>13 Q. Had you made phone payments like this 14 before to other companies?</p> <p>15 A. Physically went in.</p> <p>16 Q. So before your phone payment to Dell, 17 you'd never paid with a check by phone to 18 anyone?</p> <p>19 A. No, not that I can recall. Maybe I 20 have like a cable bill or something, but I 21 don't remember.</p> <p>22 Q. Have you made payments by that method 23 since the Dell purchase?</p>
Page 22	Page 24
<p>1 County.</p> <p>2 Q. How many of the branches do you think 3 you use?</p> <p>4 A. I've used probably all of them.</p> <p>5 Q. Do you work with any of them more 6 frequently than others?</p> <p>7 A. Maybe -- recently maybe the one down 8 South Parkway, which is by Wal-Mart.</p> <p>9 Q. You said recently. Is there one you 10 used more before that?</p> <p>11 A. Not that I can recall.</p> <p>12 Q. At the time of your Dell purchase, was 13 there a particular branch that you used a lot?</p> <p>14 A. Maybe the street -- I can't remember. 15 I don't know if it's Bailey Cove. It's right 16 off of Bailey Cove.</p> <p>17 MR. SYKSTUS: Just for clarification, 18 it's Bailey Cove and Weatherly.</p> <p>19 Q. Do you know any of the tellers at any 20 of the branches?</p> <p>21 A. By name, no.</p> <p>22 Q. Any of the managers?</p> <p>23 A. No.</p>	<p>1 A. I make payments over the internet now.</p> <p>2 Q. And not by phone?</p> <p>3 A. Not by phone.</p> <p>4 Q. You said if you had a receipt it would 5 have come to the e-mail. You had internet 6 access --</p> <p>7 A. Yes.</p> <p>8 Q. -- at the time you ordered that 9 computer?</p> <p>10 A. No, when I purchased the computer, I 11 ordered the internet, when I did get the 12 computer. So maybe like after that, they sent 13 the e-mail or receipt.</p> <p>14 Q. Prior to purchasing the Dell computer, 15 did you have internet access?</p> <p>16 A. Probably only on the school campus.</p> <p>17 Q. Did you own another computer before 18 purchasing --</p> <p>19 A. No. I mean, I think I had an old 20 computer, but not -- it was like an old -- 21 just maybe to write reports on.</p> <p>22 Q. Was it connected to the internet?</p> <p>23 A. No.</p>

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Page 25	Page 27
<p>1 Q. I'm going to show you a document that</p> <p>2 I'm marking as Defendant's Exhibit One and ask</p> <p>3 you if you recognize this document?</p> <p>4</p> <p>5 (Whereupon, Defendant's Exhibit One was</p> <p>6 marked for identification and copy of</p> <p>7 same is attached hereto.)</p> <p>8</p> <p>9 A. It looks like the itemized statement of</p> <p>10 the computer I purchased. I'm not for sure,</p> <p>11 but it looks like it.</p> <p>12 Q. Do you think you received this after</p> <p>13 you purchased the computer?</p> <p>14 A. After? I don't think so.</p> <p>15 Q. Did you receive it at the time you</p> <p>16 purchased the computer?</p> <p>17 A. Like when I first ordered it, I think I</p> <p>18 did.</p> <p>19 Q. Do you see the receipt total at the</p> <p>20 bottom?</p> <p>21 A. I do.</p> <p>22 Q. What is that amount?</p> <p>23 A. \$914.25.</p>	<p>1 A. No. I don't remember September --</p> <p>2 ordering it in September.</p> <p>3 Q. I think you said earlier you thought it</p> <p>4 was October?</p> <p>5 A. Yes.</p> <p>6 Q. I'm going to show you another document</p> <p>7 that I'm marking as Defendant's Exhibit Two.</p> <p>8</p> <p>9 (Whereupon, Defendant's Exhibit Two was</p> <p>10 marked for identification and copy of</p> <p>11 same is attached hereto.)</p> <p>12</p> <p>13 A. Okay.</p> <p>14 Q. And ask if you recognize this?</p> <p>15 A. That's the surge protector I told you</p> <p>16 about earlier.</p> <p>17 Q. Is this the receipt for the surge</p> <p>18 protector?</p> <p>19 A. Is this the receipt? I didn't receive</p> <p>20 this -- like when I ordered this, it came with</p> <p>21 this. You know, like all on one -- it was</p> <p>22 actually an e-mail. She e-mailed it to me, and</p> <p>23 this was with this.</p>
Page 26	Page 28
<p>1 Q. Does that amount sound familiar?</p> <p>2 A. It sounds about right.</p> <p>3 Q. If you look up at the top, ship to, and</p> <p>4 it has your name and it says Target stores?</p> <p>5 A. You lost me. Okay. I see it.</p> <p>6 Q. So you had this computer delivered to</p> <p>7 your work address?</p> <p>8 A. No, to -- I remember now. At the time,</p> <p>9 I worked at Target Distribution, and there was</p> <p>10 a discount on Dell computers if I was an</p> <p>11 employee.</p> <p>12 Q. Do you remember if you had to sign up</p> <p>13 for the financing to get that discount?</p> <p>14 A. No, I didn't.</p> <p>15 Q. You didn't have to?</p> <p>16 A. No, I didn't.</p> <p>17 Q. Do you see the date at the top of</p> <p>18 this -- top right-hand corner of this document?</p> <p>19 A. Yes.</p> <p>20 Q. September 17, 2004; is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. Do you think that's the day you ordered</p> <p>23 the computer?</p>	<p>1 Q. She e-mailed what to you?</p> <p>2 A. This -- a statement like this. I don't</p> <p>3 know if this is the exact one, but something</p> <p>4 like this that had the surge protector added on</p> <p>5 it.</p> <p>6 Q. So you received a statement by e-mail?</p> <p>7 A. Yes.</p> <p>8 Q. Similar to Defendant's Exhibits One and</p> <p>9 Two?</p> <p>10 A. Yes.</p> <p>11 Q. And when did you receive that?</p> <p>12 A. When I ordered the computer from her.</p> <p>13 Maybe a day or two later.</p> <p>14 Q. So you received that before you</p> <p>15 actually received the computer?</p> <p>16 A. The statement?</p> <p>17 Q. Yes.</p> <p>18 A. Yes.</p> <p>19 Q. I show you a document that I'm marking</p> <p>20 as Defendant's Exhibit Three.</p> <p>21</p> <p>22 (Whereupon, Defendant's Exhibit Three</p> <p>23 was marked for identification and copy</p>

7 (Pages 25 to 28)



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Page 29	Page 31
<p>1 of same is attached hereto.)</p> <p>2</p> <p>3 Q. Do you recognize that?</p> <p>4 A. Yes.</p> <p>5 Q. And what is this?</p> <p>6 A. This is what I provided to my attorney.</p> <p>7 Q. How would you describe this document?</p> <p>8 A. This is one of the statements that I</p> <p>9 received after the computer was paid for.</p> <p>10 Q. Do you see a date on this statement?</p> <p>11 A. November 10.</p> <p>12 Q. What year?</p> <p>13 A. 2004.</p> <p>14 Q. So you're saying you paid for the</p> <p>15 computer prior to --</p> <p>16 A. Yes.</p> <p>17 Q. -- November 10, 2004?</p> <p>18 A. Yes.</p> <p>19 Q. Do you see the previous balance?</p> <p>20 A. \$934.78.</p> <p>21 Q. That's right. Does that number look</p> <p>22 familiar to you at all?</p> <p>23 A. I cannot remember the number.</p>	<p>1 Q. And what is it?</p> <p>2 A. This is showing the purchase of the</p> <p>3 computer.</p> <p>4 Q. Showing the purchase -- and where is</p> <p>5 this document from?</p> <p>6 A. Redstone Federal Credit Union.</p> <p>7 Q. Is this a statement of your account?</p> <p>8 A. Yes.</p> <p>9 Q. You said showing the purchase of the</p> <p>10 computer. Can you show me where it shows the</p> <p>11 purchase of the computer?</p> <p>12 A. November 8, at the bottom.</p> <p>13 Q. Can you read that --</p> <p>14 A. Dell financial payment.</p> <p>15 Q. There is a number after that. Do you</p> <p>16 know what that is?</p> <p>17 A. I cannot read that number.</p> <p>18 Q. What amount does it show?</p> <p>19 A. \$954.12.</p> <p>20 Q. Looking back at Defendant's Exhibit</p> <p>21 One, do you have any idea why that number</p> <p>22 differs?</p> <p>23 A. I do not. Maybe the surge -- you mean</p>
Page 30	Page 32
<p>1 Q. Do you recall receiving this in</p> <p>2 November of 2004?</p> <p>3 A. I had received several of these</p> <p>4 statements. But this particular one, I don't</p> <p>5 remember. To be honest, I don't remember any</p> <p>6 of them, but I remember getting them.</p> <p>7 Q. So you recall receiving statements --</p> <p>8 A. Yes.</p> <p>9 Q. -- from Dell, but you're saying you</p> <p>10 don't recall specific amounts?</p> <p>11 A. No.</p> <p>12 Q. I show you a document I'm marking as</p> <p>13 Defendant's Exhibit Four.</p> <p>14</p> <p>15 (Whereupon, Defendant's Exhibit Four</p> <p>16 was marked for identification and copy</p> <p>17 of same is attached hereto.)</p> <p>18</p> <p>19 Q. Do you recognize this?</p> <p>20 A. Yes.</p> <p>21 Q. And what is it?</p> <p>22 A. This is a paper I provided to my</p> <p>23 attorney.</p>	<p>1 the \$914.25?</p> <p>2 Q. Yes.</p> <p>3 A. The surge protector is not added on</p> <p>4 there.</p> <p>5 Q. Okay. Looking at Defendant's Exhibit</p> <p>6 Two, which you told me showed the surge</p> <p>7 protector, do you see a total amount for that?</p> <p>8 A. I do.</p> <p>9 Q. What is that amount?</p> <p>10 A. It is 934.78, I think. My math might</p> <p>11 be off.</p> <p>12 Q. And then looking at Defendant's Exhibit</p> <p>13 Three, which is the Dell statement?</p> <p>14 A. Um-hum.</p> <p>15 Q. Do you see the amount that says</p> <p>16 previous balance?</p> <p>17 A. I do. The same number.</p> <p>18 Q. I'm impressed by the quick math, by the</p> <p>19 way.</p> <p>20 A. Well, my minor was accounting, but</p> <p>21 thank you.</p> <p>22 Q. So, on Defendant's Exhibit Four, there</p> <p>23 is your bank statement showing a debit of</p>

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**FREEDOM COURT REPORTING**

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1 \$954.12?  
 2 A. Correct.  
 3 Q. You told me earlier that the amount you  
 4 paid was the amount they told you over the  
 5 phone?  
 6 A. That -- what I owed?  
 7 Q. Yes, sir.  
 8 A. Um-hum.  
 9 Q. Do you think that's the amount that  
 10 they told you over the phone, the 954.12?  
 11 A. That's what I thought it was.  
 12 Q. Other than receipts or statements  
 13 similar to Defendant's Exhibits One and Two,  
 14 did you receive any other documents from Dell  
 15 at the time you made your purchase?  
 16 A. No.  
 17 Q. After you made your payment to Dell  
 18 listed on your bank statement as November 8,  
 19 did you hear from Dell again?  
 20 A. I did not.  
 21 Q. But you did tell me you continued to  
 22 receive statements from them?  
 23 A. I received this one, and I don't think

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1 I received another one until months later.  
 2 Q. When's the first time you learned that  
 3 Dell said you still owed them?  
 4 A. When I received a second statement.  
 5 Q. Do you remember about when that was?  
 6 A. I do not, to be honest.  
 7 Q. But you think it was months --  
 8 A. I think it was.  
 9 Q. -- later after -- months after November  
 10 2004?  
 11 A. Correct.  
 12 Q. From November 2004 until the time you  
 13 received that statement, did you have any idea  
 14 that Dell was contending you hadn't paid?  
 15 A. No, because I thought the issue was  
 16 done.  
 17 Q. So after you received a statement  
 18 months later, what did you do?  
 19 A. I called Dell.  
 20 Q. Do you remember what month that may  
 21 have been?  
 22 A. I do not remember the month.  
 23 Q. And what did -- did you talk to someone

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1 live at Dell?  
 2 A. I did.  
 3 Q. Do you remember who?  
 4 A. It was a guy. After the first person  
 5 that I spoke with, the lady, it was nothing but  
 6 guys after that. It was foreign guys.  
 7 Q. What did you tell Dell when you called  
 8 them?  
 9 A. That it was paid.  
 10 Q. What was their response?  
 11 A. Send them the receipt or send them, I  
 12 think, a statement. Bank statement.  
 13 Q. So they told you to send the bank  
 14 statement?  
 15 A. Correct.  
 16 Q. Did they ask you to send anything else  
 17 other than a bank statement or a receipt?  
 18 A. No.  
 19 Q. I show you what I'm marking as  
 20 Defendant's Exhibit Five and ask you if you  
 21 recognize that?  
 22  
 23 (Whereupon, Defendant's Exhibit Five

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1 was marked for identification and copy  
 2 of same is attached hereto.)  
 3  
 4 A. Yes.  
 5 Q. And what is this?  
 6 A. This is a letter I provided to my  
 7 lawyer.  
 8 Q. Okay. And what is that document?  
 9 A. This is a document with the -- another  
 10 balance on the date of February 10.  
 11 Q. Who is this document from?  
 12 A. Dell.  
 13 Q. Is this the statement you were  
 14 referring to that you received months later?  
 15 A. Yes.  
 16 Q. And what's the balance that Dell says  
 17 you owe now?  
 18 A. It's \$1,122 -- no, I'm sorry. It is  
 19 \$1,185.69.  
 20 Q. There is some handwritten notation --  
 21 A. That is.  
 22 Q. -- in the middle of that page. Can you  
 23 tell me what that is?

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<p>1 A. I had called the Better Business Bureau 2 on Dell. 3 Q. So this says BBB number -- 4 A. That's the case number. 5 Q. Did you write this on this document? 6 A. I did. That's my writing. 7 Q. If you would look with me on Page Two 8 of this document, there are two boxes about 9 halfway down. In the left-hand box, there is 10 some additional handwriting. 11 A. Yes. 12 Q. Can you tell me what that refers to? 13 A. It's either the case number with 14 Dell -- I think it's the case number with Dell, 15 and a number that I faxed -- it might not be 16 the number I faxed. It's a number that I 17 called -- it might be the finance department. 18 I'm not sure. 19 Q. At the bottom of the page, there is 20 some handwriting. Can you tell me what those 21 numbers are? 22 A. That's another account number. 23 Q. Which one is another account number?</p>	<p>1 A. I do not remember. 2 Q. To the left of what you think is the 3 case number at the bottom of that second page, 4 there is what looks like OFOO, 131A, do you 5 know what that is? 6 A. I do not. 7 Q. You told me a second ago that you 8 called the Better Business Bureau? 9 A. Yes. 10 Q. Tell me how -- tell me about that 11 conversation. 12 A. I did it over the internet. 13 Q. Was it an online submission or e-mail? 14 A. It was, because I didn't remember 15 saying I called them. But I think it was 16 online. 17 Q. Was that on the Better Business 18 Bureau's website? 19 A. Correct. 20 Q. Did you file a complaint against Dell? 21 A. Correct. 22 Q. Did you get a response? 23 A. From?</p>
Page 38	Page 40
<p>1 A. The 114044466. 2 Q. What type of account number? 3 A. Maybe pertaining to the case. I don't 4 remember. I never ordered anything else. 5 Q. So you think this could be a case 6 reference? 7 A. They kept assigning different case 8 numbers, I think, when I spoke with someone 9 each time. 10 Q. How many times do you think you spoke 11 with Dell? 12 A. Maybe -- I didn't call them but maybe 13 three, four. 14 Q. When you would call them -- 15 A. Yes. 16 Q. Well, let me back up. When you called 17 them the first time, did they give you a case 18 number? 19 A. I don't remember. I do not remember. 20 Q. So where do you think -- 21 A. We just used my account number. What 22 do I think I got the case number for? 23 Q. Yes, sir.</p>	<p>1 Q. From Dell? 2 A. Yes. 3 Q. What was Dell's response? 4 A. Send them another statement. 5 Q. Do you remember when you filed your 6 complaint with the Better Business Bureau? 7 A. I do not. 8 Q. Was it before or after your phone 9 conversations with Dell? 10 A. It was after the phone conversations 11 because this statement was -- I think it was 12 when I received this statement. 13 Q. So you received this statement and you 14 called Dell? 15 A. Yes. 16 Q. And Dell asked you to send a bank 17 statement? 18 A. No. They had told me to send one 19 before. I spoke with them -- I cannot 20 remember. Maybe I somehow -- I can't 21 remember. It may be when I saw this statement, 22 but I think it might have been before. 23 Q. You told me before that until you</p>

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<p>1 received this statement, you thought that your 2 payment had been credited. 3 A. I did. 4 Q. And when you received this, you called 5 Dell? 6 A. Yes, I might have. I might have spoken 7 with them before this. 8 Q. But at some point Dell told you to send 9 a receipt or a statement? 10 A. Yes. 11 Q. Did you do that? 12 A. I did that. 13 Q. Did you do that after your first phone 14 conversation with Dell? 15 A. Send a statement -- you mean after the 16 check over the phone? 17 Q. No. After receiving the second 18 statement months after the purchase. 19 A. Send them a statement? Yes, I faxed 20 them. 21 Q. You faxed them a statement. After you 22 faxed them a statement, did you call them 23 again?</p>	<p>1 Q. From who? 2 A. Better Business Bureau. 3 Q. And they sent this to your e-mail 4 address? 5 A. Correct. 6 Q. And that's your e-mail address? Jamon 7 B at hotmail dot com? 8 A. Correct. 9 Q. And when did you receive this message? 10 A. Looks like November 16, 2005. 11 Q. And what was the Better Business 12 Bureau's response? 13 A. That the dispute wasn't resolved 14 because I didn't feel like it was resolved. 15 Q. Looking at Page Two of this document, 16 have you ever seen this before? 17 A. Yes. 18 Q. And what is this? 19 A. This is a copy of my complaint. 20 Q. Looks like it also describes -- 21 A. Dell's response. 22 Q. -- Dell's response; is that right? 23 A. Correct.</p>
Page 42	Page 44
<p>1 A. To make sure they received the fax? 2 Q. For any reason. You told me earlier 3 you talked to them three or four times after 4 receiving this March 2005 statement that said 5 you still owed money. 6 A. I spoke with them again when I think I 7 received another statement. 8 Q. Okay. So what prompted the Better 9 Business Bureau complaint? 10 A. Because they frustrated me when I knew 11 that it was paid. 12 Q. I show you what I'm marking as 13 Defendant's Exhibit Six and ask you if you 14 recognize that? 15 16 (Whereupon, Defendant's Exhibit Six was 17 marked for identification and copy of 18 same is attached hereto.) 19 20 A. Yes. 21 Q. And what is this? 22 A. This is the Better Business Bureau 23 complaint -- e-mail response, I mean.</p>	<p>1 Q. Okay. Do you see a date that your 2 complaint was filed on this document? 3 A. October 7. 4 Q. What year? 5 A. 2005. 6 Q. So on the statement we looked at a few 7 minutes ago, Defendant's Exhibit Five, that was 8 dated February 10, 2005 -- is that right? 9 A. Yes. 10 Q. In the eight months between that 11 statement and your Better Business Bureau 12 complaint, how many phone conversations do you 13 think you had with Dell? 14 A. It couldn't have been but one if it 15 took me this long to file a complaint. I 16 didn't talk to them recent between this. 17 Q. What do you mean? 18 A. Like -- with a gap this long, I 19 couldn't have talked to them or even known that 20 I still owed the money after I sent the 21 statement in. 22 Q. Let me make sure I've got it right. 23 After you received this February 10, 2005</p>

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<p>1 statement, you called Dell; is that right?</p> <p>2 A. Maybe so.</p> <p>3 Q. And Dell told you to send --</p> <p>4 A. To fax a statement.</p> <p>5 Q. And you did that?</p> <p>6 A. Correct.</p> <p>7 Q. And then you thought it was taken care</p> <p>8 of?</p> <p>9 A. Correct.</p> <p>10 Q. So when did you realize that it wasn't</p> <p>11 resolved?</p> <p>12 A. I probably just up and called Dell,</p> <p>13 maybe.</p> <p>14 Q. Do you think you received another</p> <p>15 statement?</p> <p>16 A. I don't think so. I don't remember --</p> <p>17 I don't remember exactly what prompted me to</p> <p>18 file the complaint -- or to call, but I --</p> <p>19 maybe I called them to make sure it was taken</p> <p>20 care of.</p> <p>21 Q. Do you recall what prompted the October</p> <p>22 complaint to the Better Business Bureau?</p> <p>23 A. Because I don't think it was taken -- I</p>	<p>1 before. I can't remember.</p> <p>2 Q. So you asked your bank what a</p> <p>3 transactional detailed report was?</p> <p>4 A. I remember asking them that.</p> <p>5 Q. Do you remember if you asked them that</p> <p>6 before or after this Better Business Bureau</p> <p>7 response?</p> <p>8 A. It was before that, I think.</p> <p>9 Q. Had Dell used that phrase,</p> <p>10 "transactional detailed report --</p> <p>11 A. No, they didn't.</p> <p>12 Q. -- before"? If they had never used</p> <p>13 that phrase, why would you ask your bank for a</p> <p>14 transactional detailed report?</p> <p>15 A. I just asked for it. I wanted to --</p> <p>16 because I had a statement before that I sent to</p> <p>17 Dell. Obviously, it didn't work. So I wanted</p> <p>18 something that would show every information</p> <p>19 that they would ask for.</p> <p>20 Q. And Defendant's Exhibit Four is what</p> <p>21 the bank gave you?</p> <p>22 A. They did. The lady told me -- I can't</p> <p>23 remember who, but she said, "This is a</p>
Page 46	Page 48
<p>1 found out it wasn't taken care of, I believe.</p> <p>2 Q. But you don't remember how you found</p> <p>3 out --</p> <p>4 A. I do not remember.</p> <p>5 Q. -- that it wasn't taken care of?</p> <p>6 A. I honestly do not remember.</p> <p>7 Q. Looking at Page Two of Exhibit Six, the</p> <p>8 description of your complaint, Dell's response</p> <p>9 to the Better Business Bureau, what was Dell's</p> <p>10 response to your complaint?</p> <p>11 A. It looks like they were waiting on a</p> <p>12 transaction or detailed report.</p> <p>13 Q. Did you know what a transactional</p> <p>14 detailed report was?</p> <p>15 A. I did because I went to my bank and</p> <p>16 asked for one and -- let's go back to Exhibit</p> <p>17 Four. And that's what they gave me.</p> <p>18 Q. When did you go to your bank and ask</p> <p>19 for one?</p> <p>20 A. I can't --</p> <p>21 Q. Was it after receiving Dell's response</p> <p>22 and the Better Business Bureau?</p> <p>23 A. No. I think I sent a statement</p>	<p>1 transactional detailed report."</p> <p>2 Q. When is the first time you ever heard</p> <p>3 that phrase "transactional detailed report"?</p> <p>4 A. I don't remember.</p> <p>5 Q. Did you ever ask Dell what they meant</p> <p>6 by transactional detailed report?</p> <p>7 A. I didn't.</p> <p>8 Q. If you look with me on Defendant's</p> <p>9 Exhibit Six, Page Two, describing the responses</p> <p>10 in the Better Business Bureau. The one in the</p> <p>11 middle appears to be a response from you; is</p> <p>12 that correct?</p> <p>13 A. Right here?</p> <p>14 Q. Yes.</p> <p>15 A. Yes.</p> <p>16 Q. Do you see where it says, "The bank</p> <p>17 stated they did not know what a transactional</p> <p>18 detailed report was?"</p> <p>19 A. Yes.</p> <p>20 Q. Do you remember that conversation with</p> <p>21 your bank?</p> <p>22 A. I do not.</p> <p>23 Q. Looking back at that same page, do you</p>

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<p>1 see in two places where Dell says you were</p> <p>2 working with Angela in the recovery department?</p> <p>3 A. Yes.</p> <p>4 Q. Do you recall working with an Angela in</p> <p>5 the recovery department?</p> <p>6 A. I don't remember her name.</p> <p>7 Q. At the time of this complaint, were you</p> <p>8 working with someone at Dell to try to resolve</p> <p>9 it?</p> <p>10 A. I do. I remember sending this to the</p> <p>11 recovery department.</p> <p>12 Q. "This" being Defendant's Exhibit Number</p> <p>13 Four?</p> <p>14 A. Yes.</p> <p>15 Q. Did you ever send the recovery</p> <p>16 department anything other than this statement</p> <p>17 that's Defendant's Exhibit Four?</p> <p>18 A. No.</p> <p>19 Q. Did they ever ask for anything else</p> <p>20 other than a bank statement?</p> <p>21 A. Did Dell?</p> <p>22 Q. Yes.</p> <p>23 A. Transactional detailed report.</p>	<p>1 Q. In your conversations with Dell, did</p> <p>2 they ever tell you that they had sold your</p> <p>3 account?</p> <p>4 A. No.</p> <p>5 MR. SYKSTUS: Before we get started on</p> <p>6 this next iteration, what if we take a break</p> <p>7 now?</p> <p>8 MR. TOMPKINS: That's fine.</p> <p>9</p> <p>10 (Break.)</p> <p>11</p> <p>12 Q. (BY MR. TOMPKINS:) Before we move on,</p> <p>13 I want to show you another document I've marked</p> <p>14 as Defendant's Exhibit Seven.</p> <p>15</p> <p>16 (Whereupon, Defendant's Exhibit Seven</p> <p>17 was marked for identification and copy</p> <p>18 of same is attached hereto.)</p> <p>19</p> <p>20 Q. Does this look familiar?</p> <p>21 A. (Witness reviews document.) Yes.</p> <p>22 Q. And what is this?</p> <p>23 A. This is a letter that I wrote trying --</p>
Page 50	Page 52
<p>1 Q. Is a transactional detailed report</p> <p>2 different from the bank statement?</p> <p>3 A. No, because I went into the branch and</p> <p>4 asked for a transactional detailed report. I</p> <p>5 had a -- I think it was a copy of this. And</p> <p>6 she said, "This is a transactional detailed</p> <p>7 report. This is all we can provide. If you</p> <p>8 need anything else, call us."</p> <p>9 Q. Did you show anyone at the bank Dell's</p> <p>10 response --</p> <p>11 A. No.</p> <p>12 Q. -- when you asked for that? Do you</p> <p>13 remember who you talked to at the bank?</p> <p>14 A. No.</p> <p>15 Q. Do you remember which branch you were</p> <p>16 at?</p> <p>17 A. Madison, maybe.</p> <p>18 Q. Did you file this Better Business</p> <p>19 Bureau complaint yourself?</p> <p>20 A. Yes.</p> <p>21 Q. Did you consult a lawyer before filing</p> <p>22 the complaint?</p> <p>23 A. No.</p>	<p>1 I think I sent it to -- I sent out -- I think I</p> <p>2 sent it to Dell.</p> <p>3 Q. This letter is undated. Do you</p> <p>4 remember when you sent it?</p> <p>5 A. I do not.</p> <p>6 Q. Did you, in fact, send this letter?</p> <p>7 A. I did. The one I sent, I think I</p> <p>8 signed.</p> <p>9 Q. So this is not the copy you actually</p> <p>10 sent?</p> <p>11 A. This is actually a copy before I signed</p> <p>12 it.</p> <p>13 Q. Did you keep a copy of the letter you</p> <p>14 signed?</p> <p>15 A. A copy of -- no.</p> <p>16 Q. In this letter, you state, the fourth</p> <p>17 sentence, you decided to turn this over to a</p> <p>18 collection agency. What were you referring to</p> <p>19 there?</p> <p>20 A. This is -- they turned it -- when they</p> <p>21 turned it over to a credit agency, I knew it</p> <p>22 was going on my credit.</p> <p>23 Q. And the next sentence you say you have</p>

13 (Pages 49 to 52)



**FREEDOM COURT REPORTING**

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<p>1 turned it over to Midland Credit Management.  2 Is that the collection agency you're referring  3 to?  4 A. Correct.  5 Q. Was there ever any other collection  6 agency that tried to collect this debt from  7 you?  8 A. Not to my recollection. I think  9 Midland is it. I don't remember, though.  10 Q. You also state in this letter, "I'm  11 enclosing a copy of all the documentation and  12 what I've been through over the past several  13 years on this." Do you see that? Right about  14 in the middle.  15 A. In the middle, yes.  16 Q. Do you recall what documentation you  17 enclosed with this?  18 A. I think it was a driver's license,  19 another bank statement and my Social Security  20 card.  21 Q. You also asked Dell to contact Midland  22 and correct all three of your credit reports.  23 When was the first time you saw your credit</p>	<p>1 A. This is the letter from Dell -- I mean  2 Midland.  3 Q. Do you think this is the first time you  4 received anything from Midland?  5 A. I don't think so.  6 Q. You think you received something from  7 Midland prior to this?  8 A. I think so.  9 Q. What makes you think that?  10 A. Because I had sent them a letter saying  11 that I don't owe this debt, and I faxed them --  12 not faxed them, but sent them a bank statement  13 with the letter that I wrote them.  14 Q. Why do you think that was before you  15 received this letter?  16 A. Because this letter does not tell me  17 that I had thirty days. The first letter told  18 me I had thirty days to send them a response,  19 and I sent them a response in the mail. And  20 not handwritten, but typed.  21 Q. Do you see a date on this letter?  22 A. Yes.  23 Q. What is that?</p>
Page 54	Page 56
<p>1 reports?  2 A. I do not remember. Honestly, I do not  3 remember.  4 Q. When is the first time you heard of  5 Midland Credit Management?  6 A. Through the situation with Dell.  7 Q. How did you hear about Midland Credit  8 Management?  9 A. A letter from Midland.  10 Q. Do you remember when that letter was --  11 A. When I received it.  12 Q. Yes, sir.  13 A. I don't.  14 Q. Do you remember what that letter said?  15 A. That I owed a debt with Dell.  16 Q. I show you what I'm marking as  17 Defendant's Exhibit Eight and ask you if you  18 recognize that document?  19  20 (Whereupon, Defendant's Exhibit Eight  21 was marked for identification and copy  22 of same is attached hereto.)  23</p>	<p>1 A. 1/22/2008.  2 Q. January 22, 2008?  3 A. Correct.  4 Q. Do you remember how long before this  5 you received a different letter from Midland?  6 A. I do not.  7 Q. You said the first letter told you you  8 had thirty days?  9 A. Correct.  10 Q. Thirty days to do what?  11 A. To reply if I don't think that I owe  12 the debt, and I replied by mail.  13 Q. Do you have a copy of the letter you  14 sent them?  15 A. I do not.  16 Q. Have you looked for all correspondence  17 and documents related to the Dell or Midland  18 accounts?  19 A. As far -- as best I could. Maybe I  20 have some more, but I don't --  21 Q. Do you keep files at home?  22 A. I keep papers for -- I mean pretty much  23 everything.</p>

14 (Pages 53 to 56)

**FREEDOM COURT REPORTING**

Page 57	Page 59
<p>1 Q. Do you have a filing system?</p> <p>2 A. That's why I cannot locate a lot of</p> <p>3 things because I do not -- I just have them in</p> <p>4 wherever I can put papers.</p> <p>5 Q. Have you provided everything that you</p> <p>6 do have to your attorneys?</p> <p>7 A. Yes.</p> <p>8 Q. When you received this letter dated</p> <p>9 January 22, 2008, what did you do?</p> <p>10 A. I disputed it with the credit bureau.</p> <p>11 Q. Do you remember when you disputed it</p> <p>12 with the credit bureaus?</p> <p>13 A. Maybe shortly after I saw this.</p> <p>14 Q. Did you send Midland anything after</p> <p>15 seeing this January 22 letter?</p> <p>16 A. I think I did send them a letter.</p> <p>17 Q. Did you send that at the same time you</p> <p>18 filed the credit bureau disputes or at a</p> <p>19 different time?</p> <p>20 A. I cannot remember.</p> <p>21 Q. I show you what I'm marking as</p> <p>22 Defendant's Exhibit Nine and ask you if you</p> <p>23 recognize this?</p>	<p>1 your letter of July 29, 2008?</p> <p>2 A. No, I didn't.</p> <p>3 Q. Do you recall specifically receiving</p> <p>4 any phone calls during that time?</p> <p>5 A. I received a phone call.</p> <p>6 Q. How many?</p> <p>7 A. I can't remember.</p> <p>8 Q. Less than five?</p> <p>9 A. Probably. Maybe. I would probably say</p> <p>10 less than five.</p> <p>11 Q. Less than three?</p> <p>12 A. I don't honestly remember. The one I</p> <p>13 remember is the one I spoke to him. I don't</p> <p>14 remember the rest of them.</p> <p>15 Q. Tell me about that one that you do</p> <p>16 remember.</p> <p>17 A. I let -- it was a lady first. I let</p> <p>18 her know that the account was paid. We had --</p> <p>19 I can't remember the details of the</p> <p>20 conversation. And she put me on the phone with</p> <p>21 a guy who she said was a supervisor or</p> <p>22 manager. And at that time, I asked him to stop</p> <p>23 calling my phone.</p>
Page 58	Page 60
<p>1</p> <p>2 (Whereupon, Defendant's Exhibit Nine</p> <p>3 was marked for identification and copy</p> <p>4 of same is attached hereto.)</p> <p>5</p> <p>6 A. This is a letter I sent to Midland.</p> <p>7 Q. And when did you send this letter?</p> <p>8 A. July 29th.</p> <p>9 Q. Of what year?</p> <p>10 A. 2008.</p> <p>11 Q. What prompted this letter?</p> <p>12 A. Because I think I had got fed up at</p> <p>13 that point.</p> <p>14 Q. This letter states, "I'm writing you in</p> <p>15 response to the recent communication." Are you</p> <p>16 referring to Defendant's Exhibit --</p> <p>17 A. I think I might have received a call.</p> <p>18 Q. When do you think you might have</p> <p>19 received a call?</p> <p>20 A. I honestly don't remember.</p> <p>21 Q. Do you remember receiving any letters</p> <p>22 from Midland between the January 22, 2008</p> <p>23 letter that's Defendant's Exhibit Eight and</p>	<p>1 Q. And what did he say?</p> <p>2 A. Send them a bank statement.</p> <p>3 MR. SYKSTUS: Can we go off the record</p> <p>4 real quick?</p> <p>5</p> <p>6 (Whereupon, a brief discussion was held</p> <p>7 off the record.)</p> <p>8</p> <p>9 Q. Do you think this July 29 letter is in</p> <p>10 response to talking to that supervisor?</p> <p>11 A. I don't remember.</p> <p>12 Q. In this letter, you also state, "Please</p> <p>13 do not contact me again by phone or in</p> <p>14 writing." Is that right?</p> <p>15 A. Correct.</p> <p>16 Q. Did the supervisor tell you to put that</p> <p>17 in the letter?</p> <p>18 A. No. But I didn't want them calling me.</p> <p>19 Q. Did you consult a lawyer before sending</p> <p>20 this letter?</p> <p>21 A. No. I think I know a little bit about</p> <p>22 collection agencies so I didn't -- I just knew</p> <p>23 I didn't want them calling me.</p>

15 (Pages 57 to 60)

**FREEDOM COURT REPORTING**

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1 Q. Did they ever contact you again after  
2 this letter?  
3 A. I don't remember.  
4 Q. Did you ever contact them again after  
5 this letter?  
6 A. By letter, maybe.  
7 Q. Do you recall ever calling them?  
8 A. I do not recall ever calling them.  
9 Q. At any time?  
10 A. At any time.  
11 Q. I show you what I'm marking as  
12 Defendant's Exhibit Ten. Can you tell me what  
13 this document is?  
14  
15 (Whereupon, Defendant's Exhibit Ten was  
16 marked for identification and copy of  
17 same is attached hereto.)  
18  
19 A. A letter to Midland Credit Management.  
20 Q. And when is it dated?  
21 A. March 10, 2009.  
22 Q. Do you recall what prompted this  
23 letter?

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1 A. I think I was being -- it was on my  
2 credit report. I bought a -- I think -- I  
3 didn't buy, but Annual Credit Report dot com.  
4 Q. And why did you pull your credit  
5 reports at that time?  
6 A. 2009? Because I wanted a house.  
7 Actually, I tried to get a house before that, I  
8 think.  
9 Q. When you say you tried to get a house  
10 before that, what do you mean?  
11 A. Tried to get a loan to purchase a  
12 house.  
13 Q. Do you remember when that was?  
14 A. I do not.  
15 Q. Do you remember a year?  
16 A. I do not.  
17 Q. So in early 2009, you were house  
18 shopping?  
19 A. Yes.  
20 Q. And you pulled your credit reports?  
21 A. Yes.  
22 Q. Did you pull your credit reports  
23 because you had talked to a lender or you just

Page 63

1 did it yourself?  
2 A. I talked to a few lenders.  
3 Q. Did they tell you to pull your credit  
4 reports?  
5 A. No. But I think I talked to a few  
6 lenders before '09, to be honest with you.  
7 Q. Do you remember when?  
8 A. I don't.  
9 Q. Did you send Midland any letters  
10 between the last letter we looked at of --  
11 A. And this one?  
12 Q. -- July 29, 2008 and this one of March  
13 8, 2009?  
14 A. I don't remember.  
15 Q. After your letter of July 29, 2008,  
16 Defendant's Exhibit Nine, did you assume that  
17 the matter had been taken care of?  
18 A. I do not know. I just know that -- I  
19 don't know -- I can't remember. I don't  
20 remember sending another statement to them  
21 after this until I think this letter.  
22 Q. Before pulling your credit reports in  
23 early 2009, did you have any reason to believe

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1 that the account was still on your credit  
2 report?  
3 A. I think before I realized I could get a  
4 free credit report, I think I purchased a  
5 credit report from Equifax on line.  
6 Q. When do you think you purchased that?  
7 A. I don't know.  
8 Q. Do you remember if it was before or  
9 after that July 2008 letter?  
10 A. I've done that like two or three times  
11 so I don't remember.  
12 Q. And you told me the March 10, 2009  
13 letter was prompted by you reviewing your  
14 credit reports; right?  
15 A. Correct.  
16 Q. Between the previous credit report and  
17 the ones in 2009, did you believe that the  
18 Midland account was still on your credit  
19 reports?  
20 A. Maybe so. I can't remember. I know at  
21 one point in time I received a letter from  
22 Dell. I mean -- not Dell, but Midland about a  
23 lawsuit.

16 (Pages 61 to 64)

**FREEDOM COURT REPORTING**

Page 65	Page 67
<p>1 Q. Do you remember when that was?</p> <p>2 A. I do not.</p> <p>3 Q. And what did it say about a lawsuit?</p> <p>4 A. That I owed a debt and they were suing</p> <p>5 me.</p> <p>6 Q. And what did you do, if anything, in</p> <p>7 response to that letter?</p> <p>8 A. I called Mr. Skystus.</p> <p>9 Q. Do you recall what month and year that</p> <p>10 would have been?</p> <p>11 A. I do not.</p> <p>12 Q. Do you recall if it was before or after</p> <p>13 this March 10, 2009 letter?</p> <p>14 A. I do not because I was out of town. I</p> <p>15 don't remember when. And there was a card on</p> <p>16 my door.</p> <p>17 Q. Did you ever respond to the lawsuit in</p> <p>18 court?</p> <p>19 A. I didn't. I think I was out of town.</p> <p>20 Q. Do you know what happened to that</p> <p>21 lawsuit?</p> <p>22 A. I do not.</p> <p>23 Q. In this March 10, 2009 letter, you</p>	<p>1 Q. You volunteered --</p> <p>2 A. My license and Social Security.</p> <p>3 Q. Did Midland ever ask you to send</p> <p>4 anything?</p> <p>5 A. Besides the bank statement?</p> <p>6 Q. So they did ask you to send the bank</p> <p>7 statement?</p> <p>8 A. When I talked to the guy.</p> <p>9 Q. The supervisor?</p> <p>10 A. He did.</p> <p>11 Q. Okay. But they've never asked you to</p> <p>12 send anything else other than the bank</p> <p>13 statement?</p> <p>14 A. No.</p> <p>15 Q. Between your July 2008 letter and your</p> <p>16 March 2009 letters to Midland, did you ever</p> <p>17 wonder what was going on with the account?</p> <p>18 A. I was out of town, so -- I mean, I was</p> <p>19 out of town working, so at that point in time I</p> <p>20 was traveling like -- I mean, it was</p> <p>21 ridiculous.</p> <p>22 Q. What were you -- was that for Yellow</p> <p>23 Book that you were traveling?</p>
Page 66	Page 68
<p>1 again say you've enclosed a copy of your bank</p> <p>2 statement; is that right?</p> <p>3 A. Did I say it on this letter?</p> <p>4 Q. March 10, 2009, Defendant's Exhibit</p> <p>5 Ten, yes, sir.</p> <p>6 A. Oh, okay, I did.</p> <p>7 Q. Is that the same bank statement --</p> <p>8 A. That is.</p> <p>9 Q. -- that we've been talking about?</p> <p>10 A. Four.</p> <p>11 Q. Defendant's Exhibit Four, right. Did</p> <p>12 you ever send Midland anything other than --</p> <p>13 A. I did.</p> <p>14 Q. -- that bank statement? What was it?</p> <p>15 A. My license and my Social Security</p> <p>16 number.</p> <p>17 Q. Did Midland ever ask you to send</p> <p>18 anything else?</p> <p>19 A. No. You mean besides my license,</p> <p>20 Social Security number and the bank statement</p> <p>21 that they asked me to send them?</p> <p>22 Q. Yes, sir.</p> <p>23 A. Oh, no, I volunteered that.</p>	<p>1 A. Yes.</p> <p>2 Q. And where were you traveling?</p> <p>3 A. Like -- I don't remember. It depends</p> <p>4 on -- all over Alabama, Tennessee -- some parts</p> <p>5 of Tennessee. Maybe Florida, maybe Iowa.</p> <p>6 Q. Do you receive any phone calls from</p> <p>7 Midland after this March 10, 2009 letter?</p> <p>8 A. I don't remember.</p> <p>9 Q. Do you have any notes or recordings of</p> <p>10 any phone calls you ever received from Midland?</p> <p>11 A. No.</p> <p>12 Q. Other than the one phone call you</p> <p>13 described in which you talked to a lady and</p> <p>14 then a supervisor, do you recall the substance</p> <p>15 of any other phone calls with Midland?</p> <p>16 A. No.</p> <p>17 Q. Did you ever ask Midland in writing or</p> <p>18 over the phone to contact your bank about the</p> <p>19 payment?</p> <p>20 A. I do not remember.</p> <p>21 Q. Did you ever authorize Midland to</p> <p>22 contact your bank?</p> <p>23 A. Maybe. I can't remember.</p>

17 (Pages 65 to 68)

**FREEDOM COURT REPORTING**

<p style="text-align: right;">Page 69</p> <p>1 Q. Would you have done that in writing or 2 over the phone? 3 A. Maybe I would have done it in writing. 4 I just can't remember. I don't remember. 5 Q. Did you ever ask anyone at Dell to 6 contact your bank? 7 A. I don't remember. 8 Q. I show you what I'm marking as 9 Defendant's Exhibit Eleven. Do you recognize 10 that? 11 12 (Whereupon, Defendant's Exhibit Eleven 13 was marked for identification and copy 14 of same is attached hereto.) 15 16 A. I do. 17 Q. What is it? 18 A. A credit report. 19 Q. From which agency? 20 A. Equifax. 21 Q. Do you see a date on that? 22 A. July 13, 2008. 23 Q. Do you remember what prompted you to</p>	<p style="text-align: right;">Page 71</p> <p>1 was incorrect? 2 Q. Yes, sir. 3 A. The Midland Credit Management. 4 Q. A second ago when I asked you if 5 anything was inaccurate, you said maybe a few 6 things. Do you see any others that you thought 7 were incorrect when you reviewed this? 8 A. Not on this one, I don't believe. I 9 might question some of the student loans. 10 Q. What do you mean you might question 11 some of the student loans? 12 A. The amount. 13 Q. The amount? While we're on student 14 loans let me ask you to look at Page Twelve. 15 Page numbers are at the top right-hand corner. 16 And at the bottom of that page do you see an 17 entry for Alabama A &amp; M University? 18 A. I do. 19 Q. And it says, "Account status, 20 collection account?" 21 A. I do. 22 Q. Do you recall a collection agency 23 trying to collect that debt from you?</p>
<p style="text-align: right;">Page 70</p> <p>1 request this report? 2 A. Maybe I was house shopping. At the 3 point in time of this one, I think maybe I 4 bought a credit report on line. 5 Q. And why did you buy it? 6 A. Just for general purposes. I think I 7 was house shopping at the same time is what it 8 was. 9 Q. You say you bought it for general 10 purposes. You didn't buy this in response to 11 any sort of communication from Dell or Midland? 12 A. I don't think so. I think I was house 13 shopping. 14 Q. Did you review this report after you 15 received it? 16 A. You mean online? 17 Q. Yeah. Did you look it over? 18 A. Of course, I did. 19 Q. Did you see anything that you thought 20 was inaccurate? 21 A. The -- I think it was a few things, but 22 I think I remember the Midland sticking out. 23 Hold on. Let me look. The -- what do I think</p>	<p style="text-align: right;">Page 72</p> <p>1 A. No. 2 Q. Were you ever behind on your payments 3 on that student loan? 4 A. Not that I remember. This was a -- I 5 don't think so because I was still in school. 6 I think Athens. 7 Q. If you look on Page Seventeen, do you 8 see an entry from Midland Credit Management? 9 Is that the entry you're talking about? 10 A. That is. 11 Q. You think this entry is inaccurate for 12 what reason? 13 A. Because this account was paid. The 14 Dell account was paid. 15 Q. How do you know that this account 16 relates to the Dell account? 17 A. Because it's the same balance as -- 18 it's not the same balance, but it's close to 19 that balance on Exhibit Eight. Which I didn't 20 remember the exact number, but that -- it was 21 sixteen hundred, so it led me to believe that 22 was it. 23 Q. Has Midland Credit Management ever</p>

18 (Pages 69 to 72)



**FREEDOM COURT REPORTING**

Page 73	Page 75
<p>1 contacted you about any other debt?</p> <p>2 A. No.</p> <p>3 Q. Go with me to Page Twenty-one. Do you</p> <p>4 see the heading that says "negative accounts"?</p> <p>5 A. I do.</p> <p>6 Q. And under that the first one listed is</p> <p>7 Alabama A&amp;M?</p> <p>8 A. I do.</p> <p>9 Q. Again, you don't recall ever missing a</p> <p>10 payment on your Alabama A&amp;M loan?</p> <p>11 A. I don't because I was in school.</p> <p>12 Q. Are you current on that loan now?</p> <p>13 A. I think I might owe them like fifty</p> <p>14 dollars.</p> <p>15 Q. Are they trying to collect anything</p> <p>16 from you?</p> <p>17 A. They might be.</p> <p>18 Q. Have you been contacted by any</p> <p>19 collection agencies regarding that debt?</p> <p>20 A. No.</p> <p>21 Q. Looking at the next page, Page Twenty-</p> <p>22 two, still under the heading of negative</p> <p>23 accounts, there is a Sam's Club MBGA?</p>	<p>1 A. No, because I had a Sam's credit card.</p> <p>2 Q. Okay. So you've never disputed this</p> <p>3 entry with Equifax?</p> <p>4 A. No.</p> <p>5 MR. SYKSTUS: Just for the record, I'm</p> <p>6 going to object to relevance. It shows a zero</p> <p>7 balance. It says "pays as agreed" so there is</p> <p>8 no reflection that it is a negative account.</p> <p>9 MR. TOMPKINS: It's under the heading</p> <p>10 negative account. The document speaks for</p> <p>11 itself.</p> <p>12 MR. SYKSTUS: I know. I just wanted to</p> <p>13 note that for the record.</p> <p>14 Q. The next entry below Sam's is Midland</p> <p>15 Credit Management.</p> <p>16 A. Okay.</p> <p>17 Q. Is this the entry that you said you</p> <p>18 thought was inaccurate?</p> <p>19 A. Correct.</p> <p>20 Q. Is there any indication within this</p> <p>21 entry itself that it's a negative account?</p> <p>22 A. You mean does it -- how do I know that</p> <p>23 it's negative? Is that what you're asking me?</p>
Page 74	Page 76
<p>1 A. Correct.</p> <p>2 Q. Do you know what account that is?</p> <p>3 A. That is -- I had a Sam's account.</p> <p>4 Q. Is that --</p> <p>5 A. No. I still have a Sam's account, but</p> <p>6 a -- what do you call it? A card like Sam's --</p> <p>7 Q. Like a store credit card?</p> <p>8 A. Yes.</p> <p>9 Q. Do you still have that today?</p> <p>10 A. Well, I closed the account.</p> <p>11 Q. When did you close the account?</p> <p>12 A. I don't remember. When I paid it off.</p> <p>13 Q. Do you remember what year that was?</p> <p>14 A. I do not.</p> <p>15 Q. Do you know why this would be a</p> <p>16 negative account on your credit report?</p> <p>17 A. I do not.</p> <p>18 Q. Have you ever disputed this?</p> <p>19 A. I did. I called them.</p> <p>20 Q. You called who?</p> <p>21 A. Sam's. And they said since the account</p> <p>22 was closed that they couldn't take it off.</p> <p>23 Q. Had you ever disputed it with Equifax?</p>	<p>1 Q. Yes, sir.</p> <p>2 A. Because it's under that heading.</p> <p>3 Q. Let me ask you to go to Page Twenty-</p> <p>4 four. Do you see "last reported employment"</p> <p>5 toward the top a quarter of the way down? You</p> <p>6 see it says "Adult Video"?</p> <p>7 A. That is.</p> <p>8 Q. Is that a job you've had?</p> <p>9 A. Yes, it was.</p> <p>10 Q. What kind of job within the adult video</p> <p>11 industry did you have?</p> <p>12 A. Videos. Adult videos.</p> <p>13 Q. You made videos?</p> <p>14 A. No, I never made them. But they sold</p> <p>15 videos from like Vivid -- I can't remember the</p> <p>16 --</p> <p>17 Q. Who was your employer?</p> <p>18 A. You mean the guy who -- I don't</p> <p>19 remember his name.</p> <p>20 Q. When was this employment?</p> <p>21 A. I don't remember. Maybe early 2000. I</p> <p>22 don't remember.</p> <p>23 Q. And it's before Yellow Book -- was it</p>

19 (Pages 73 to 76)



**FREEDOM COURT REPORTING**

Page 77	Page 79
<p>1 before Yellow Book?</p> <p>2 A. Yes.</p> <p>3 Q. Was it before Target?</p> <p>4 A. Yes. Hum, did I make videos.</p> <p>5 Q. It was a confusing entry there.</p> <p>6 A. Okay.</p> <p>7 Q. Other than the Midland entry on this</p> <p>8 Equifax credit report, did you ever dispute</p> <p>9 anything else with Equifax?</p> <p>10 A. With Equifax? I don't remember. I</p> <p>11 don't remember.</p> <p>12</p> <p>13 (Whereupon, Defendant's Exhibit Twelve</p> <p>14 was marked for identification and copy</p> <p>15 of same is attached hereto.)</p> <p>16</p> <p>17 Q. I show you another document,</p> <p>18 Defendant's Exhibit Twelve. Do you recognize</p> <p>19 what this is?</p> <p>20 A. This is an Experian credit report.</p> <p>21 Q. And do you see a date on this one?</p> <p>22 A. Yes, I do.</p> <p>23 Q. And what is that date?</p>	<p>1 Q. Did you review this report when you</p> <p>2 received it?</p> <p>3 A. I did.</p> <p>4 Q. Do you recall if you saw anything</p> <p>5 inaccurate on this report?</p> <p>6 A. Besides Midland? I do.</p> <p>7 Q. What else was inaccurate?</p> <p>8 A. Professional Finance.</p> <p>9 Q. Can you tell what page you're looking</p> <p>10 at?</p> <p>11 A. Page Three.</p> <p>12 Q. Have you ever heard of Professional</p> <p>13 Finance?</p> <p>14 A. I have not. And --</p> <p>15 Q. Do you see the original creditor</p> <p>16 beneath that entry?</p> <p>17 A. Yes.</p> <p>18 Q. Atmos Energy. Have you ever heard of</p> <p>19 Atmos Energy?</p> <p>20 A. I have not. And also a Texas student</p> <p>21 loan.</p> <p>22 Q. Also on Page Three?</p> <p>23 A. Three.</p>
Page 78	Page 80
<p>1 A. July 29, 2008.</p> <p>2 Q. This is about two weeks after that</p> <p>3 Equifax report we just looked at; correct?</p> <p>4 A. Correct.</p> <p>5 Q. Did you request this report at the same</p> <p>6 time as the Equifax report? Did you request --</p> <p>7 you told me you requested --</p> <p>8 A. This one was -- I think this one I paid</p> <p>9 for, and then I think I did annual credit</p> <p>10 report -- annual credit -- get your credit</p> <p>11 report free.</p> <p>12 Q. Once a year?</p> <p>13 A. Yes.</p> <p>14 Q. So why didn't you do the Equifax report</p> <p>15 under the annual --</p> <p>16 A. Because I did not know about it at the</p> <p>17 time, I don't think.</p> <p>18 Q. So you learned about it in that two</p> <p>19 weeks between the Equifax and Experian report?</p> <p>20 A. Yes.</p> <p>21 Q. What was the reason that you requested</p> <p>22 your Experian report?</p> <p>23 A. I think I was trying to get a house.</p>	<p>1 Q. Do you see the original creditor on</p> <p>2 that, Missouri Higher Education Loan?</p> <p>3 A. I do.</p> <p>4 Q. Have you ever heard of Missouri Higher</p> <p>5 Education Loan?</p> <p>6 A. I have not.</p> <p>7 Q. Have you ever heard of Texas Guaranteed</p> <p>8 Student Loan?</p> <p>9 A. I have not.</p> <p>10 Q. Did you dispute both of those with</p> <p>11 Experian?</p> <p>12 A. I did.</p> <p>13 Q. Do you remember if they resolved your</p> <p>14 dispute?</p> <p>15 A. I think they did.</p> <p>16 Q. Do you remember what they did?</p> <p>17 A. They removed it -- removed them.</p> <p>18 Q. Do you remember on what basis you</p> <p>19 disputed them?</p> <p>20 A. Because they weren't mine.</p> <p>21 Q. Did you know whose they were?</p> <p>22 A. At the time, I think -- I don't know</p> <p>23 about Professional Finance. But the Texas</p>

20 (Pages 77 to 80)

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Page 81	Page 83
<p>1 Student Loan, I think, was my brother.  2 Q. And what is your brother's name?  3 A. Jamie Brim.  4 Q. J-A-M-I-E?  5 A. Correct.  6 Q. Before seeing those two companies on  7 your credit report, had you ever received any  8 collection calls?  9 A. From them?  10 Q. From Professional Finance or Texas  11 Guaranteed?  12 A. I have not.  13 Q. If you look with me at Page Twelve of  14 this report under personal information on the  15 right-hand column.  16 A. Um-hum.  17 Q. There is several names.  18 A. I see.  19 Q. It's the third one, Jamie D. Brim. Is  20 that your brother?  21 A. It is.  22 Q. If you look with me on Page Fourteen of  23 this report.</p>	<p>1 A. Yes, it does. TransUnion credit  2 report.  3 Q. What's the date on this one?  4 A. July 29, 2008.  5 Q. Do you think you got this one in  6 response to your annual credit report?  7 A. I did.  8 Q. Did you review it when you received it?  9 A. I did.  10 Q. Do you recall if there was anything  11 inaccurate?  12 A. Midland.  13 Q. Anything else?  14 A. I don't think so.  15 Q. Believing that Midland entries were  16 inaccurate on the three reports we just looked  17 at, Defendant's Exhibits Eleven, Twelve and  18 Thirteen, what did you do?  19 A. I sent letters.  20 Q. Who did you send letters to?  21 A. These three, Dell and Midland.  22 Q. Earlier, we looked at Defendant's  23 Exhibit Nine, a letter dated July 29, 2008 to</p>
Page 82	Page 84
<p>1 A. Um-hum.  2 Q. Do you see employers at the bottom of  3 that column?  4 A. Um-hum.  5 Q. The first one is Manpower. Have you  6 ever heard of Manpower?  7 A. I have.  8 Q. Did you ever work for Manpower?  9 A. Maybe so. I don't know. If I was, I  10 was a teenager.  11 Q. What about Leggett, Platt?  12 A. I don't recall working for them.  13 Q. So if you worked for either one of  14 those companies, was it before Target?  15 A. Correct. Before Adult Video.  16  17 (Whereupon, Defendant's Exhibit  18 Thirteen was marked for identification  19 and copy of same is attached hereto.)  20  21 Q. And we've got one more credit report to  22 look at. Defendant's Exhibit Thirteen. Does  23 that look familiar?</p>	<p>1 Midland Credit Management.  2 A. Who did I send it to?  3 Q. Midland Credit Management.  4 A. On July 10?  5 Q. July 29?  6 A. July 29th?  7 Q. Did you find that one?  8 A. Yes.  9 Q. Is that the letter you sent after  10 receiving these credit reports?  11 A. Yes.  12 Q. So before receiving these credit  13 reports in July of 2008, did you believe that  14 the Midland account was on your credit reports?  15 A. Before July the 29th, 2008?  16 Q. Yes, sir.  17 A. I do.  18 Q. What makes you believe the Midland  19 account was on the report?  20 A. Because this is July 13, and it's on  21 here.  22 Q. Well, prior to the July -- the three  23 credit reports you received in July 2008.</p>

21 (Pages 81 to 84)

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Page 85	Page 87
<p>1 A. Did I think it was on there?</p> <p>2 Q. Yes.</p> <p>3 A. I don't remember. Maybe -- maybe I saw</p> <p>4 a credit report before that, but I don't</p> <p>5 remember.</p> <p>6 Q. Do you specifically remember seeing a</p> <p>7 credit report before July 2008?</p> <p>8 A. I don't remember.</p> <p>9 Q. Do you think you ever requested a</p> <p>10 credit report before July 2008 that showed</p> <p>11 Midland?</p> <p>12 A. I can't remember because I was trying</p> <p>13 to purchase a house, or thinking about</p> <p>14 purchasing a house off and on, and I was on the</p> <p>15 road so much that I didn't really have time to</p> <p>16 sit and focus.</p> <p>17 Q. So prior to seeing these July 2008</p> <p>18 credit reports, you weren't focused on your</p> <p>19 credit reports?</p> <p>20 A. No, no, no. I was not focused on</p> <p>21 trying to get the house at that particular --</p> <p>22</p> <p>23 (Whereupon, Defendant's Exhibit</p>	<p>1 Defendant's Exhibit Fifteen, and ask if you can</p> <p>2 tell me what that one is?</p> <p>3 A. This is to Experian.</p> <p>4 Q. And what's the date?</p> <p>5 A. July the 29th of 2008.</p> <p>6 Q. Do you believe this was in response to</p> <p>7 the Experian credit report we just looked at?</p> <p>8 A. Correct.</p> <p>9 Q. And what did you dispute in this</p> <p>10 letter?</p> <p>11 A. The Midland credit report, the Texas</p> <p>12 student loans and Professional Finance.</p> <p>13 Q. So the two we just talked about?</p> <p>14 A. Correct.</p> <p>15 Q. And you enclosed --</p> <p>16 A. License, Social Security card.</p> <p>17 Q. At the bottom of this letter you state,</p> <p>18 "Enclosed is a copy of a transactional detailed</p> <p>19 report from my bank."</p> <p>20 A. Statement.</p> <p>21 Q. You're referring to Defendant's Exhibit</p> <p>22 Four?</p> <p>23 A. Correct.</p>
Page 86	Page 88
<p>1 Fourteen was marked for identification</p> <p>2 and copy of same is attached hereto.)</p> <p>3</p> <p>4 Q. I'm going to show you a couple more</p> <p>5 documents. Defendant's Exhibit Fourteen. Can</p> <p>6 you tell me what that is?</p> <p>7 A. Yes. This is a letter that I sent to</p> <p>8 Equifax.</p> <p>9 Q. And what's the date on that?</p> <p>10 A. July 29, 2008.</p> <p>11 Q. And what were you telling Equifax in</p> <p>12 this letter?</p> <p>13 A. That I disputed the debt with Midland</p> <p>14 for the Dell computer.</p> <p>15 Q. This was in response to the credit</p> <p>16 report we just looked at?</p> <p>17 A. Yes.</p> <p>18</p> <p>19 (Whereupon, Defendant's Exhibit Fifteen</p> <p>20 was marked for identification and copy</p> <p>21 of same is attached hereto.)</p> <p>22</p> <p>23 Q. All right. I show you another one,</p>	<p>1 Q. The Redstone statement?</p> <p>2</p> <p>3 (Whereupon, Defendant's Exhibit Sixteen</p> <p>4 was marked for identification and copy</p> <p>5 of same is attached hereto.)</p> <p>6</p> <p>7 Q. I show you Defendant's Exhibit Sixteen</p> <p>8 and ask you if you recognize that one?</p> <p>9 A. It was to TransUnion.</p> <p>10 Q. And the date?</p> <p>11 A. July 29, 2008.</p> <p>12 Q. Is this in response to the TransUnion</p> <p>13 credit report we just looked at?</p> <p>14 A. Correct.</p> <p>15 Q. And what did you dispute in this one?</p> <p>16 A. The Midland, Texas student loans and</p> <p>17 Professional Finance.</p> <p>18 Q. Again, you stated that there is a copy</p> <p>19 of the transactional detailed report from the</p> <p>20 bank. If you look at the last page of this</p> <p>21 exhibit, is the Redstone Federal Credit Union</p> <p>22 statement where you're referring to there?</p> <p>23 A. Correct.</p>

22 (Pages 85 to 88)

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<p style="text-align: right;">Page 89</p> <p>1 Q. Did you receive results from any or all</p> <p>2 of the credit bureaus?</p> <p>3 A. I did.</p> <p>4 Q. Do you remember which ones?</p> <p>5 A. I remember TransUnion because I</p> <p>6 remember receiving a letter from them.</p> <p>7 Q. Do you remember what they said in that</p> <p>8 letter?</p> <p>9 A. They didn't take it off. I remember</p> <p>10 that.</p> <p>11 Q. Do you remember if they said why they</p> <p>12 didn't take it off?</p> <p>13 A. No.</p> <p>14</p> <p>15 (Whereupon, Defendant's Exhibit</p> <p>16 Seventeen was marked for identification</p> <p>17 and copy of same is attached hereto.)</p> <p>18</p> <p>19 Q. I show you Defendant's Exhibit</p> <p>20 Seventeen. Do you know what this is?</p> <p>21 A. This is the investigation from</p> <p>22 TransUnion.</p> <p>23 Q. Is this the letter you were just</p>	<p style="text-align: right;">Page 91</p> <p>1 letter before or after the lawsuit you told me</p> <p>2 about earlier from Midland?</p> <p>3 A. I do not remember.</p> <p>4 Q. The dispute letters that we just looked</p> <p>5 at, Defendant's Exhibits Fourteen, Fifteen and</p> <p>6 Sixteen --</p> <p>7 A. Yes.</p> <p>8 Q. -- did you write those yourself?</p> <p>9 A. Yes.</p> <p>10 Q. Did you consult a lawyer before writing</p> <p>11 those letters?</p> <p>12 A. If I did, it maybe was to look over it.</p> <p>13 Q. Do you recall if a lawyer looked over</p> <p>14 those letters?</p> <p>15 A. I think so.</p> <p>16 Q. Was that Mr. Skystus?</p> <p>17 A. Correct.</p> <p>18 Q. I'm showing you what I'm marking as</p> <p>19 Defendant's Exhibit Eighteen. Do you know what</p> <p>20 this document is?</p> <p>21</p> <p>22 (Whereupon, Defendant's Exhibit</p> <p>23 Eighteen was marked for identification</p>
<p style="text-align: right;">Page 90</p> <p>1 referring to?</p> <p>2 A. Yes, it is.</p> <p>3 Q. You said that they said they didn't</p> <p>4 take it off. Can you show me -- can you point</p> <p>5 out where they --</p> <p>6 A. It's at the bottom of this page.</p> <p>7 Investigation results.</p> <p>8 Q. And it says "Midland Credit Management</p> <p>9 new information below?"</p> <p>10 A. Yes.</p> <p>11 Q. Did you look at the information</p> <p>12 provided below?</p> <p>13 A. All right. It's still on here.</p> <p>14 Q. Do you know what the new information is</p> <p>15 that they were referring to on the first page?</p> <p>16 A. No.</p> <p>17 Q. When you received these results from</p> <p>18 TransUnion, did you do anything?</p> <p>19 A. I contacted Mr. Skystus.</p> <p>20 Q. Is that the first time that you</p> <p>21 contacted Mr. Skystus?</p> <p>22 MR. SYKSTUS: Objection, privileged.</p> <p>23 Q. Do you remember if you received this</p>	<p style="text-align: right;">Page 92</p> <p>1 and copy of same is attached hereto.)</p> <p>2</p> <p>3 A. Experian credit report.</p> <p>4 Q. Do you see a date on this?</p> <p>5 A. August 12, 2008.</p> <p>6 Q. Would you look at the top of the second</p> <p>7 page, a document which is actually at the top</p> <p>8 of Page Three. It looks like Page Two is</p> <p>9 missing from this production. On the left-hand</p> <p>10 upper corner it says "investigation results."</p> <p>11 A. Um-hum.</p> <p>12 Q. Is this what you received in response</p> <p>13 to the dispute --</p> <p>14 A. Experian.</p> <p>15 Q. And do you see the results from</p> <p>16 Experian?</p> <p>17 A. Yes.</p> <p>18 Q. And what did they do, if anything?</p> <p>19 A. They took Capital One off, Texas</p> <p>20 student loans and Professional Finance. I</p> <p>21 don't know what -- I guess Mahella is</p> <p>22 Professional Finance.</p> <p>23 Q. Do you see any results from Midland?</p>

23 (Pages 89 to 92)

**FREEDOM COURT REPORTING**

<p style="text-align: right;">Page 93</p> <p>1 A. It just says "reviewed."  2 Q. Looking at the next page that shows the  3 Midland entry on the Experian report. Did you  4 notice anything that was changed after their  5 review?  6 A. It was not removed.  7 Q. Do you recall how you received these  8 results that are Defendant's Exhibits Seventeen  9 and Eighteen? Did you receive them online, by  10 mail?  11 A. I think by mail.  12 Q. Do you recall how you sent your dispute  13 letters that were Exhibits Fourteen, Fifteen  14 and Sixteen?  15 A. By mail.  16 Q. I show you what I'm marking as  17 Defendant's Exhibit Nineteen. Do you know what  18 this is?  19  20 (Whereupon, Defendant's Exhibit  21 Nineteen was marked for identification  22 and copy of same is attached hereto.)  23</p>	<p style="text-align: right;">Page 95</p> <p>1 page is from?  2 A. This looks like Equifax. This is  3 Equifax.  4 Q. Is this from the credit report that you  5 requested in July of 2008?  6 A. I think so. July of 2008?  7 Q. We looked at an Equifax credit report  8 from July of 2008 that's Defendant's Exhibit --  9 A. Let's see. That was July. It is.  10 Q. So, in your March 2009 dispute, this  11 letter that's Defendant's Exhibit Nineteen,  12 you're disputing something that was on your  13 July 8, 2008 credit report; is that right?  14 A. Correct.  15 Q. Did you see any credit reports between  16 that July 2008 credit report and this March 10,  17 2009 letter?  18 A. I do not remember.  19 Q. Is it fair to say if you had, you  20 probably would have pointed to the more recent  21 credit report?  22 A. Would I -- you mean would I have  23 pointed out --</p>
<p style="text-align: right;">Page 94</p> <p>1 A. This is a letter I sent to Equifax.  2 Q. And what was the purpose of this  3 letter?  4 A. To dispute the Midland debt.  5 Q. What date did you send this letter?  6 A. March 10.  7 Q. What year?  8 A. 2009.  9 Q. Do you remember what prompted this  10 letter?  11 A. Looking at a house, I think.  12 Q. You state in this letter, "Please  13 immediately correct the disputed information on  14 Page Seventeen of my credit report." Do you  15 see that in the first sentence?  16 A. Yes.  17 Q. And if you look at the last page of  18 this exhibit, there is a Page Seventeen. Do  19 you see a date on this page?  20 A. A date on the page?  21 Q. Yes.  22 A. At the bottom it is 8/11/2008.  23 Q. Do you know which credit report this</p>	<p style="text-align: right;">Page 96</p> <p>1 Q. Right. Instead of attaching the July  2 2008 report.  3 A. Yes.  4 MR. TOMPKINS: You want to take a short  5 break?  6 (Break.)  7  8 Q. (BY MR. TOMPKINS:) Mr. Brim, we have a  9 few more documents to go through.  10 A. Okay.  11  12 (Whereupon, Defendant's Exhibit Twenty  13 was marked for identification and copy  14 of same is attached hereto.)  15  16 Q. This is Defendant's Exhibit Twenty. Do  17 you recognize this?  18 A. This is a dispute to Experian.  19 Q. What's the date on this?  20 A. March 10, 2009.  21 Q. What are you disputing?  22 A. The Midland Credit Management.  23 Q. We just looked at Defendant's Exhibit</p>

24 (Pages 93 to 96)

**FREEDOM COURT REPORTING**

Page 97	Page 99
<p>1 Nineteen, which was a letter to --</p> <p>2 A. Equifax.</p> <p>3 Q. -- Equifax on the same date. You told</p> <p>4 me that it was prompted because you were house</p> <p>5 shopping?</p> <p>6 A. Correct.</p> <p>7 Q. And I've looked at your credit</p> <p>8 reports. Is that the same reason that you sent</p> <p>9 this letter?</p> <p>10 A. Correct.</p> <p>11 Q. If you look at the second page of this</p> <p>12 exhibit, which looks like documents you</p> <p>13 enclosed with your letter, can you tell me what</p> <p>14 that is?</p> <p>15 A. You mean the accounts?</p> <p>16 Q. Well, what is this page from?</p> <p>17 A. Experian credit report.</p> <p>18 Q. In your letter you say, "Immediately</p> <p>19 correct the disputed information on Page Two of</p> <p>20 my credit report?"</p> <p>21 A. Um-hum.</p> <p>22 Q. Is this second page --</p> <p>23 A. Of the credit report.</p>	<p>1 the previous two letters to Equifax and</p> <p>2 Experian?</p> <p>3 A. Correct.</p> <p>4 Q. Were you disputing the same</p> <p>5 information?</p> <p>6 A. Correct.</p> <p>7 Q. That's the Midland Credit Management</p> <p>8 entry?</p> <p>9 A. Correct.</p> <p>10 Q. If you look at the fourth page of this</p> <p>11 exhibit, did you attach this page from your</p> <p>12 credit report to your letter?</p> <p>13 A. To this letter?</p> <p>14 Q. Yes, sir.</p> <p>15 A. I don't think so. I might have. I do</p> <p>16 not remember.</p> <p>17 Q. Do you remember if you ever received</p> <p>18 responses to any of these letters, Defendant's</p> <p>19 Exhibits Nineteen, Twenty and Twenty-one?</p> <p>20 A. From the credit bureau?</p> <p>21 Q. Yes, sir.</p> <p>22 A. I think I did.</p> <p>23 Q. Do you remember any specific responses?</p>
Page 98	Page 100
<p>1 Q. Is that Page Two of the credit report?</p> <p>2 A. Yes.</p> <p>3 Q. What's the date on that credit report?</p> <p>4 A. July, 29, 2008.</p> <p>5 Q. And behind that page is another</p> <p>6 document?</p> <p>7 A. Yes.</p> <p>8 Q. And this is the bank statement; is that</p> <p>9 right?</p> <p>10 A. Correct.</p> <p>11 Q. Same bank statement --</p> <p>12 A. As Exhibit Four?</p> <p>13</p> <p>14 (Whereupon, Defendant's Exhibit Twenty-</p> <p>15 one was marked for identification and</p> <p>16 copy of same is attached hereto.)</p> <p>17</p> <p>18 Q. Yes. All right. Defendant's Exhibit</p> <p>19 Twenty-one. Can you tell me what this is?</p> <p>20 A. A letter to TransUnion.</p> <p>21 Q. What's the date on that?</p> <p>22 A. March 10, 2009.</p> <p>23 Q. So you sent this at the same time as</p>	<p>1 A. The wording? No.</p> <p>2</p> <p>3 (Whereupon, Defendant's Exhibit Twenty-</p> <p>4 two was marked for identification and</p> <p>5 copy of same is attached hereto.)</p> <p>6</p> <p>7 Q. I show you what I've marked as</p> <p>8 Defendant's Exhibit Twenty-two. Do you</p> <p>9 remember this document?</p> <p>10 A. Yes.</p> <p>11 Q. And what is this?</p> <p>12 A. The investigation from Equifax.</p> <p>13 Q. Do you see a date on this?</p> <p>14 A. It is March 20th of 2009.</p> <p>15 Q. Do you believe this was in response to</p> <p>16 the letter we just looked at?</p> <p>17 A. I think so.</p> <p>18 Q. This Defendant's Exhibit Nineteen?</p> <p>19 A. Yes.</p> <p>20 Q. What was Equifax's response to your</p> <p>21 dispute?</p> <p>22 A. They did not take it off.</p> <p>23 Q. Do you see about two-thirds of the way</p>

25 (Pages 97 to 100)



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Page 101	Page 103
<p>1 down it says, "We have researched the credit 2 account?" 3 A. Yes. 4 Q. "If you have additional questions about 5 this item, please contact Midland Credit 6 Management?" 7 A. Yes. 8 Q. Did you contact Midland after receiving 9 this? 10 A. I think I sent a letter to them. Or 11 maybe not. It might have been the letter that 12 I sent all at the same time. 13 Q. We earlier looked at a letter to 14 Midland dated March 10, 2009. 15 A. Yes. 16 Q. Same date as the letters to the credit 17 bureaus? 18 A. Yes. 19 Q. But do you recall sending a letter 20 after receiving these results? 21 A. After? no. 22 Q. I show you what I'm marking as 23 Defendant's Exhibit Twenty-three and ask if you</p>	<p>1 A. Yes. 2 Q. Did you notice any new information in 3 the credit report? 4 A. It was still on my credit report. 5 6 (Whereupon, Defendant's Exhibit Twenty- 7 four was marked for identification and 8 copy of same is attached hereto.) 9 10 Q. I show you Defendant's Exhibit Twenty- 11 four. Do you know what this document is? 12 A. Experian -- I don't know if it's the 13 results. 14 Q. What's the date on this? 15 A. This is March 21, 2009, so I guess it 16 is the results. 17 Q. And what was their response? 18 A. They didn't take it off. 19 Q. And where do you see that? 20 A. It was still on the credit report. I 21 think the credit report came with this, and it 22 was still on there. 23 Q. Look at the first paragraph of this</p>
Page 102	Page 104
<p>1 recognize that? 2 3 (Whereupon, Defendant's Exhibit Twenty- 4 three was marked for identification and 5 copy of same is attached hereto.) 6 7 A. This is TransUnion investigation 8 results. 9 Q. What's the date on these results? 10 A. March 20, 2009. 11 Q. Was this in response to your March 10 12 dispute? 13 A. Yes. 14 Q. And what was TransUnion's response? 15 A. They left it on the report. 16 Q. On Page One of this letter under 17 investigation results it says, "New information 18 below." Do you see that? 19 A. On which page? 20 Q. Page One of the actual letter it says, 21 "Investigation results." 22 A. Yes. 23 Q. "New information below."</p>	<p>1 letter from Experian. Just take a minute to 2 read that. 3 A. (Witness complies.) Um-hum. 4 Q. So what does that say? 5 A. Send them address, my driver's license, 6 identification card, Social Security number, 7 updated address. Just the first paragraph? 8 Q. The first paragraph on the left-hand 9 side. 10 A. Oh, I'm sorry. I didn't provide 11 sufficient identification information to verify 12 my identity. 13 Q. So reading that now, do you remember 14 now -- do you remember then ever receiving 15 actual results from Experian? 16 A. I think I -- you mean results or -- 17 Q. Results of the dispute. 18 A. No. 19 Q. Because this appears to say that they 20 didn't process it because they didn't have 21 sufficient information; is that right? 22 A. Correct. 23 Q. Do you remember ever receiving anything</p>

26 (Pages 101 to 104)

**FREEDOM COURT REPORTING**

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1 saying, "We investigated and this is what we're  
2 going to do," from Experian?  
3 A. From Experian, I might not have. I  
4 can't remember.  
5 Q. Do you remember when you filed the  
6 current lawsuit?  
7 A. I do not.  
8 Q. Did you review the complaint before it  
9 was filed?  
10 A. I did.  
11 Q. In your own words, why did you file  
12 this lawsuit?  
13 A. Because this has been going on since  
14 2004 about a debt that was paid in 2004. And I  
15 provided the information that everyone asked  
16 for in 2004, or 2005, maybe, and it was still  
17 going on.  
18 Q. And what do you want out of this  
19 lawsuit? What do you want to happen?  
20 A. I want Midland to admit that it was  
21 paid. I want this removed from my credit  
22 report forever. I want this removed from  
23 public record.

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1 Q. When you say public record, what do you  
2 mean?  
3 A. The lawsuit.  
4 Q. What do you mean removed?  
5 A. Like that's on -- that's public record  
6 forever saying that I was sued for a collection  
7 for a debt that was paid in 2004.  
8 Q. Are you aware that Midland has deleted  
9 it from your credit report?  
10 A. Not -- I have not -- the only thing  
11 I've seen was recent credit reports, and they  
12 weren't on there. I didn't know that it was by  
13 Midland's admission that it was a mistake.  
14 Q. When did you see credit reports  
15 recently?  
16 A. Maybe before August. I'm trying to  
17 remember. I was in and out of town so I'm  
18 trying to remember. I think it was maybe then.  
19 Q. And you said the Midland entry was not  
20 on your credit report?  
21 A. It was not.  
22 Q. In August of this year?  
23 A. I think August. But I wasn't finished.

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1 Q. Okay.  
2 A. I want compensation for at least the  
3 two and a half years of stress, worry, loss of  
4 sleep.  
5 Q. You say two and a half years? Is that  
6 --  
7 A. I mean I've been going through this  
8 like trying to buy a house for two years, and  
9 this is on my credit report and could have kept  
10 me from getting a house. I was worried about  
11 that.  
12 Q. When did you purchase your current  
13 house?  
14 A. It was last year.  
15 Q. Do you remember what month?  
16 A. Maybe March.  
17 Q. Of 2009?  
18 A. Maybe so. Maybe April.  
19 Q. Anything else?  
20 A. Yes. Compensation for my attorneys.  
21 Q. Anything else?  
22 A. No.  
23 Q. Your attorneys' fees aside, what amount

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1 of compensation are you seeking?  
2 A. I mean, this -- if you had to ask me a  
3 number, I would say a minimum of a hundred  
4 thousand just because this has been going on  
5 since 2004. I was refused a home loan from  
6 Wells Fargo because of this on my credit.  
7 Q. When were you denied a loan from Wells  
8 Fargo?  
9 A. I do not remember.  
10 Q. Was it at the time you were purchasing  
11 your house in March 2009?  
12 A. No, no. I had been looking for a house  
13 before. Like maybe 2008 or 2007.  
14 Q. Do you remember which year that Wells  
15 Fargo --  
16 A. I do not remember.  
17 Q. Did Wells Fargo give you a reason for  
18 denying?  
19 A. They were saying I had to prove that  
20 the deal thing was paid off, which was -- I  
21 mean, the only thing I had was a bank  
22 statement. They wouldn't -- my bank statement  
23 was coming from me, but they needed like word

27 (Pages 105 to 108)

**FREEDOM COURT REPORTING**

<p style="text-align: right;">Page 109</p> <p>1 from Dell or Midland.</p> <p>2 Q. Do you recall them saying they needed</p> <p>3 word from Midland specifically?</p> <p>4 A. No. I know I sent them a bank</p> <p>5 statement, but it was not good enough.</p> <p>6 Q. Did Wells Fargo ever say you were being</p> <p>7 denied because of Midland?</p> <p>8 A. Do I remember them saying that?</p> <p>9 Q. Yes, sir.</p> <p>10 A. I remember sending him the bank</p> <p>11 statement, and I remember not getting</p> <p>12 approved. I don't remember speaking to them</p> <p>13 again after I sent him the bank statement, but</p> <p>14 I remember receiving denied. I remember being</p> <p>15 denied for a credit card.</p> <p>16 Q. This is a copy of the complaint in this</p> <p>17 case. I'm not going to mark it as an exhibit,</p> <p>18 but you just told me you reviewed this</p> <p>19 complaint before it was filed; is that right?</p> <p>20 A. Yes.</p> <p>21 Q. And were all the allegations accurate?</p> <p>22 A. (Witness reviews document.) Yes.</p> <p>23 Q. I just want to ask you about a couple</p>	<p style="text-align: right;">Page 111</p> <p>1 Q. So you've had to pay your lawyer a fee?</p> <p>2 MR. SYKSTUS: Objection, privileged.</p> <p>3 MR. TOMPKINS: I think if he's claiming</p> <p>4 it as a damage, we're entitled to know if he's</p> <p>5 paid something. Not the amount at this point,</p> <p>6 but if he has actually paid something out of</p> <p>7 pocket.</p> <p>8 MR. SYKSTUS: I'm okay, Jamon, if you</p> <p>9 answer that.</p> <p>10 A. Have I paid directly to my attorney?</p> <p>11 Q. Yes. Have you had to pay your lawyer</p> <p>12 any out-of-pocket payments?</p> <p>13 A. No.</p> <p>14 Q. Do you owe him any money --</p> <p>15 A. He's provided me services.</p> <p>16 Q. -- for services in connection with</p> <p>17 the --</p> <p>18 MR. SYKSTUS: Objection. That gets</p> <p>19 into what he does owe me on the basis of this</p> <p>20 lawsuit. He's answered the question. He's</p> <p>21 paid no money out of pocket.</p> <p>22 Q. Any other out-of-pocket expenses other</p> <p>23 than transportation to and from your lawyer's</p>
<p style="text-align: right;">Page 110</p> <p>1 of paragraphs. Paragraph Seven on Page Three</p> <p>2 states, "In November 2004, the plaintiff</p> <p>3 purchased a computer from Dell." And we talked</p> <p>4 earlier, and I think you said you think it was</p> <p>5 October; is that right?</p> <p>6 A. Correct.</p> <p>7 Q. I just wanted to be clear on the</p> <p>8 timing. And let's move on to Paragraph Thirty-</p> <p>9 three on Page Eight.</p> <p>10 MR. SYKSTUS: And for clarification,</p> <p>11 there are two Page Eights on both of ours. The</p> <p>12 first one is garbled, and then there is a</p> <p>13 second one.</p> <p>14 Q. Referring to the nongarbled Page</p> <p>15 Eight.</p> <p>16 MR. SYKSTUS: Okay. The second one.</p> <p>17 Q. Paragraph Thirty-three, the last</p> <p>18 sentence says, "The plaintiff was also caused</p> <p>19 to incur out-of-pocket expenses and attorneys</p> <p>20 fees." Can you tell me what those out-of-</p> <p>21 pocket expenses are?</p> <p>22 A. Going to my lawyer and the lawyers'</p> <p>23 fees.</p>	<p style="text-align: right;">Page 112</p> <p>1 office?</p> <p>2 A. As of now at this point, I can't recall</p> <p>3 any.</p> <p>4 Q. In the sentence above that in Paragraph</p> <p>5 Thirty-three, you state that you were caused to</p> <p>6 suffer actual damages to your credit</p> <p>7 reputation, worry, humiliation, fear, loss of</p> <p>8 sleep, anxiety, nervousness, physical sickness,</p> <p>9 physical pain and mental anguish. Have you</p> <p>10 seen a medical professional or counselor about</p> <p>11 any of those problems?</p> <p>12 A. I did not.</p> <p>13 Q. Have you taken any medication for any</p> <p>14 of those problems?</p> <p>15 A. I did not. Over-the-counter medicine.</p> <p>16 Q. What over-the-counter medicines have</p> <p>17 you taken?</p> <p>18 A. Like just relaxation medicine. Like I</p> <p>19 might drink Nyquil or something to make me go</p> <p>20 to sleep. I might take Advil -- not Advil, but</p> <p>21 BC is what I take.</p> <p>22 Q. And what's that for?</p> <p>23 A. Just because it eases me.</p>

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Page 113	Page 115
<p>1 Q. How often do you take Nyquil?</p> <p>2 A. Not often.</p> <p>3 Q. How many times would you say you've</p> <p>4 taken Nyquil in the past year?</p> <p>5 A. I do not remember.</p> <p>6 Q. Before 2007, did you ever take Nyquil</p> <p>7 to help you sleep?</p> <p>8 A. No.</p> <p>9 Q. Did you ever take BC prior to 2007?</p> <p>10 A. I took BC.</p> <p>11 Q. Do you take BC on a regular basis?</p> <p>12 A. Not like every day or even every week.</p> <p>13 Q. How often would you say you take BC?</p> <p>14 A. It depends on like if I have a headache</p> <p>15 that I just can't sit off or sleep off.</p> <p>16 Q. You have a history of headaches?</p> <p>17 A. No, I don't.</p> <p>18 Q. History of inability to sleep?</p> <p>19 A. No, I do not.</p> <p>20 Q. Have you ever seen a doctor for</p> <p>21 headaches or inability to sleep?</p> <p>22 A. No, I haven't.</p> <p>23 Q. Why do you attribute headaches and loss</p>	<p>1 dates, I don't remember.</p> <p>2 Q. In the last year?</p> <p>3 A. Last year, maybe.</p> <p>4 Q. Maybe in 2009?</p> <p>5 A. Yes.</p> <p>6 Q. Did you have to apply for the higher</p> <p>7 credit limit?</p> <p>8 A. For Capital One?</p> <p>9 Q. For Capital One.</p> <p>10 A. I called in.</p> <p>11 Q. Did they give you a response over the</p> <p>12 phone or a written response?</p> <p>13 A. He checked my credit. He said, "Let me</p> <p>14 pull your credit," and declined.</p> <p>15 Q. He declined --</p> <p>16 A. Over the phone.</p> <p>17 Q. -- over the phone while you were still</p> <p>18 on the phone with him?</p> <p>19 A. Yes.</p> <p>20 Q. Did he say which credit reports he</p> <p>21 looked at?</p> <p>22 A. He didn't say.</p> <p>23 Q. Did he mention any specific reasons</p>
Page 114	Page 116
<p>1 of sleep to Midland?</p> <p>2 A. Because -- I mean, when I was getting</p> <p>3 sued, you know, that was a headache. I had a</p> <p>4 sheriff deliver -- was it the -- he tried to</p> <p>5 deliver a subpoena, but he left a card. And</p> <p>6 this was when I was living at the condo. He</p> <p>7 left his card there. So that's embarrassment</p> <p>8 there, and -- I mean, it's just headache. I</p> <p>9 travel for a living, and when I got denied for</p> <p>10 my credit card -- I wanted that credit card to</p> <p>11 pay for hotels. I mean, it's just a lot of</p> <p>12 extra stress being denied credit for something</p> <p>13 that I know was paid.</p> <p>14 Q. When were you denied credit?</p> <p>15 A. For -- besides Wells Fargo? American</p> <p>16 Express. And I think I tried to get a higher</p> <p>17 credit limit for Capital One.</p> <p>18 Q. Do you remember when the American</p> <p>19 Express denial was?</p> <p>20 A. I do not.</p> <p>21 Q. Do you remember when you tried to get a</p> <p>22 higher credit limit with Capital One?</p> <p>23 A. It was a couple of times, but the exact</p>	<p>1 from your credit report that you weren't</p> <p>2 approved?</p> <p>3 A. He didn't mention anything. He just</p> <p>4 said at this time, we are.</p> <p>5 Q. And we're going to talk about the</p> <p>6 American Express in a minute because we've</p> <p>7 actually seen that one, but I want to finish</p> <p>8 going through the complaint first.</p> <p>9 A. Okay.</p> <p>10 Q. Going back to what you said a minute</p> <p>11 ago about the sheriff left a card, what did</p> <p>12 that card look like?</p> <p>13 A. It was a card with his name, his phone</p> <p>14 number and his position like deputy sheriff.</p> <p>15 Q. Did it say what it was about or</p> <p>16 anything like that?</p> <p>17 A. No, it didn't.</p> <p>18 Q. Was it a business card?</p> <p>19 A. Yes, it was.</p> <p>20 Q. And did it have a note written on the</p> <p>21 card?</p> <p>22 A. It didn't. Call him.</p> <p>23 Q. You said it was embarrassing. Did</p>

29 (Pages 113 to 116)

**FREEDOM COURT REPORTING**

<p style="text-align: right;">Page 117</p> <p>1 anybody see that card?</p> <p>2 A. They had to. I mean, the card was -- I</p> <p>3 travel. I was out of town for at least a</p> <p>4 month, maybe, and that card was on my door that</p> <p>5 whole time.</p> <p>6 Q. And these were at condos, you said?</p> <p>7 A. Correct.</p> <p>8 Q. Can you tell me how those condos are</p> <p>9 set up? Are they exterior?</p> <p>10 A. It's a courtyard. I stayed on this</p> <p>11 side of the courtyard. There are condos both</p> <p>12 sides, and you can walk up through the</p> <p>13 courtyard. I stayed on the left-hand side.</p> <p>14 Q. So as you walk up through the</p> <p>15 courtyard, is it door after door after door in</p> <p>16 a line?</p> <p>17 A. It's two doors on -- in my particular</p> <p>18 section and then two doors across the hall.</p> <p>19 Then on up a little bit is two more condos and</p> <p>20 then two more.</p> <p>21 Q. You said a courtyard, but then you just</p> <p>22 said a hall. Is this outside or inside?</p> <p>23 A. No, no, it's outside. The hall and the</p>	<p style="text-align: right;">Page 119</p> <p>1 A. Um-hum.</p> <p>2 Q. And what third parties are you</p> <p>3 referring to?</p> <p>4 A. The credit bureaus.</p> <p>5 Q. Any other third parties?</p> <p>6 A. The -- obviously, the sheriff knew, who</p> <p>7 put his card on my door.</p> <p>8 Q. Anyone else?</p> <p>9 A. The -- whoever had access to see the</p> <p>10 case filed against me. With the age of the</p> <p>11 internet, who knows.</p> <p>12 Q. When you say the "public at large,"</p> <p>13 what are you referring to?</p> <p>14 A. Like the -- I mean, whoever would look</p> <p>15 at -- I mean, everyone, basically.</p> <p>16 Q. What statement are you saying the</p> <p>17 public at large had access to?</p> <p>18 A. The public -- is the lawsuit not public</p> <p>19 information?</p> <p>20 Q. So when you say the "public at large,"</p> <p>21 you're referring to the lawsuit?</p> <p>22 A. Um-hum.</p> <p>23 Q. Anyone who could see the lawsuit?</p>
<p style="text-align: right;">Page 118</p> <p>1 courtyard, I'm referring to both as the same,</p> <p>2 but it's a courtyard.</p> <p>3 Q. How wide would you say that courtyard</p> <p>4 is looking across it to the doors that face</p> <p>5 you?</p> <p>6 A. Looking across -- it's not -- I don't</p> <p>7 know the approximate feet, but it's not wide --</p> <p>8 that wide where I couldn't -- not look in</p> <p>9 anyone's home and see.</p> <p>10 Q. Did anyone ever say anything to you</p> <p>11 about the sheriff's card?</p> <p>12 A. They wouldn't. You know, they didn't.</p> <p>13 Q. Is there any other reasons you</p> <p>14 attribute the headaches and the loss of sleep</p> <p>15 to Midland other than what you've already told</p> <p>16 me?</p> <p>17 A. No.</p> <p>18 Q. Page Ten of this complaint, Paragraph</p> <p>19 Forty-two, do you see that you allege that</p> <p>20 Dell, Midland Credit Management and Midland</p> <p>21 Funding communicated false and defamatory</p> <p>22 statements to third parties and the public at</p> <p>23 large?</p>	<p style="text-align: right;">Page 120</p> <p>1 A. The lawsuit.</p> <p>2 Q. Other than the lawsuit, are you</p> <p>3 aware -- are you alleging that any other</p> <p>4 statements by Midland were viewed by the public</p> <p>5 at large?</p> <p>6 A. The people who I tried to get a home</p> <p>7 loan through. Wells Fargo -- not only Wells</p> <p>8 Fargo. You know, Countrywide and Platinum</p> <p>9 Mortgage.</p> <p>10 Q. Did you apply to all those places --</p> <p>11 A. I did.</p> <p>12 Q. -- for a home loan? Were you denied</p> <p>13 with all those places?</p> <p>14 A. Wells Fargo was denied. Countrywide</p> <p>15 gave me a high interest rate. So, Platinum</p> <p>16 Mortgage -- and I actually spoke with one more</p> <p>17 person, but --</p> <p>18 Q. Who did you end up getting your</p> <p>19 mortgage from?</p> <p>20 A. Platinum Mortgage.</p> <p>21 Q. Looking back at the complaint and</p> <p>22 looking down at Paragraph Forty-four, you say</p> <p>23 that these statements have harmed your</p>

30 (Pages 117 to 120)



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<p style="text-align: right;">Page 121</p> <p>1 representation and deterred third persons from 2 associating with you? 3 A. Um-hum. 4 Q. Taking each of those in turn, how do 5 you contend that your reputation has been 6 harmed? 7 A. By destroying my credit. 8 Q. You say destroying your credit. How 9 does that relate to your reputation? 10 A. Because that's -- my credit speaks of 11 me as a person. 12 Q. Who do you think is aware of your 13 credit? 14 A. Employers. 15 Q. Anyone else? 16 A. Whoever I apply for credit with. 17 Q. Anyone else? 18 A. (Witness shakes head.) 19 Q. The second part of that, deterred third 20 persons from associating with you, who are you 21 referring to? 22 A. Like if -- you mean as far as anyone 23 associated with me as far as my credit?</p>	<p style="text-align: right;">Page 123</p> <p>1 A. Were they still -- 2 Q. Are they still a defendant in the case? 3 MR. SYKSTUS: It's a confidential 4 settlement. 5 Q. So you have the fact of settlement. 6 You have settled with Dell; is that right? 7 A. Correct. 8 MR. TOMPKINS: I assume the amount was 9 confidential? 10 MR. SYKSTUS: Yes. 11 Q. Are you aware that Midland offered to 12 settle the case with you? 13 A. No. 14 Q. Are you aware -- then you're not aware 15 that offer was rejected? 16 A. No. 17 Q. Do you think Midland is more at fault 18 than Dell? 19 A. They are because they -- I mean, 20 they -- on every credit report, you see 21 Midland. Even after I sent the information to 22 them, they still did not take it off. 23 Q. It's my understanding that Dell</p>
<p style="text-align: right;">Page 122</p> <p>1 Q. Is that what you're referring to? 2 A. Yes. I don't have anyone on any credit 3 applications that I have, but if I did -- 4 Q. Turn to the next page, Paragraph Forty- 5 seven. We just discussed your reputation 6 allegations. This also says you were subjected 7 to ridicule. What type of ridicule were you 8 subjected to? 9 A. People -- I mean, it's embarrassing if 10 I'm denied for like any type of credit or loan. 11 Q. Have you ever talked to anyone about 12 your -- other than the credit bureaus and 13 Midland and Dell, have you ever talked to 14 anyone about your credit report? 15 A. No. 16 Q. Have you ever talked to anyone about 17 Midland? 18 A. No, that's embarrassing. 19 Q. And you've sued Dell in this case; is 20 that correct? 21 A. Correct. 22 Q. And are they still in the case, that 23 you're aware of?</p>	<p style="text-align: right;">Page 124</p> <p>1 ultimately resolved your payment issue. Are 2 you aware of that? 3 A. Yes. 4 Q. Do you know how that happened? 5 A. Yes. 6 Q. And how was that? 7 A. They found the payment. 8 Q. Do you know how they found it? 9 A. They, to my knowledge, applied it to 10 someone else's account. 11 Q. Dell didn't tell you that, did they? 12 I'm assuming -- 13 A. No. 14 Q. That happened during this lawsuit; is 15 that correct? 16 A. Correct. 17 18 (Whereupon, Defendant's Exhibit Twenty- 19 five was marked for identification and 20 copy of same is attached hereto.) 21 22 Q. I ask you if you recognize Defendant's 23 Exhibit Twenty-five?</p>

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<p>1 A. Yes.</p> <p>2 Q. And what is this?</p> <p>3 A. This is from Redstone -- wait -- yes,</p> <p>4 this is from Redstone.</p> <p>5 Q. Did you obtain this from Redstone?</p> <p>6 A. I did.</p> <p>7 Q. And how did you get this?</p> <p>8 A. I put in a request. I had to put in a</p> <p>9 request, and then the lady told me that she</p> <p>10 would have to call me when it's ready because</p> <p>11 they don't have this information on hand. And</p> <p>12 she called me, and I drove up there and got it</p> <p>13 and picked it up.</p> <p>14 Q. Did you put it in the request -- how</p> <p>15 did you put in the request? By phone, fax, in</p> <p>16 person?</p> <p>17 A. No, person.</p> <p>18 Q. Which branch?</p> <p>19 A. It was a -- I don't remember. It</p> <p>20 was -- I think -- on South Memorial Parkway, I</p> <p>21 think.</p> <p>22 Q. And what prompted you to make this</p> <p>23 request?</p>	<p>1 A. Yes.</p> <p>2 Q. Do you think that's about the time,</p> <p>3 give or take a couple of days?</p> <p>4 A. Maybe so. I don't -- August 11. Maybe</p> <p>5 so.</p> <p>6 Q. Was it definitely within the past</p> <p>7 couple months?</p> <p>8 A. It has been. I was in Montgomery in</p> <p>9 August, but maybe.</p> <p>10 Q. Earlier, we talked about Defendant's</p> <p>11 Exhibit Four a lot, the Redstone Federal Credit</p> <p>12 Union bank statement, showing payment, and</p> <p>13 that's what you provided to Dell and Midland</p> <p>14 and the credit bureaus?</p> <p>15 A. Correct.</p> <p>16 Q. And up until this time, how was this</p> <p>17 request different?</p> <p>18 A. Because they tell you where the money</p> <p>19 went to. I mean -- excuse me. The first one</p> <p>20 did the same thing, but this is -- this right</p> <p>21 here, the front page is different.</p> <p>22 Q. The front page. What about the second</p> <p>23 page?</p>
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<p>1 A. Because either Midland or someone</p> <p>2 requested this information. Dell requested</p> <p>3 this information.</p> <p>4 Q. Was that request made through your</p> <p>5 attorneys?</p> <p>6 A. I think so.</p> <p>7 Q. Or directly to you?</p> <p>8 A. I think it was through my attorneys.</p> <p>9 Q. Do you recall specifically what they</p> <p>10 asked for?</p> <p>11 A. They asked for the bank to trace the</p> <p>12 account because they did not have any proof</p> <p>13 that I had made a payment.</p> <p>14 Q. And what specifically did you request</p> <p>15 from the bank in order to get this?</p> <p>16 A. I went inside the bank and said, "I</p> <p>17 need to know where this money went to."</p> <p>18 Q. And what date was this? Do you recall?</p> <p>19 A. I do not recall.</p> <p>20 Q. There is a date at the top of this. It</p> <p>21 looks like a fax date.</p> <p>22 A. August 11.</p> <p>23 Q. 2010?</p>	<p>1 A. The second page is just -- just tells</p> <p>2 you where the money went.</p> <p>3 Q. Looks like a lot of account numbers and</p> <p>4 routing numbers, things like that?</p> <p>5 A. Um-hum.</p> <p>6 Q. Before, when you requested a</p> <p>7 transaction detailed report from your credit</p> <p>8 union --</p> <p>9 A. Correct.</p> <p>10 Q. -- you told me that they referred you</p> <p>11 back to bank statement?</p> <p>12 A. Yes.</p> <p>13 Q. So, what was different about this</p> <p>14 request that provided you with this instead of</p> <p>15 just referring you back to the bank statement?</p> <p>16 A. The fact that I said, "I need to know</p> <p>17 the account -- the specific account that this</p> <p>18 money went to." The specific account number.</p> <p>19 Q. Was that the only difference in your</p> <p>20 request is you told them you need to know a</p> <p>21 specific account number of where it went?</p> <p>22 A. No. I said, "I need to show -- when</p> <p>23 she tried to offer me the same statement, I</p>

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<p>1 said, "No, I need to know where this money 2 went." 3 Q. Okay. So initially, she just gave you 4 the bank statement again? 5 A. Um-hum. 6 Q. And you followed up and asked her for 7 something more specific? 8 A. Where did this money go basically. 9 Q. And you got this? 10 A. Um-hum. 11 12 (Whereupon, Defendant's Exhibit Twenty- 13 six was marked for identification and 14 copy of same is attached hereto.) 15 16 Q. I show you Defendant's Exhibit Twenty- 17 six. Have you seen this document before? 18 A. Yes. 19 Q. And what is this? 20 A. Being denied credit by American 21 Express. 22 Q. What's the date on this? 23 A. May 14, 2009.</p>	<p>1 Q. Is there something that drew you to 2 American Express specifically or -- 3 A. I already have Capital One. 4 Q. You said you wanted it for a hotel 5 room. Was that on your business travel? 6 A. Yes. 7 Q. Do you use your personal credit card 8 for your business travel? 9 A. Yes. 10 Q. And you get reimbursed for the 11 expenses? 12 A. Yes. 13 Q. Are you provided a business credit card 14 of any sort? 15 A. No. 16 Q. Did you want the American Express for 17 any other reason other than -- 18 A. No, just work. 19 Q. -- your travel with work? What 20 information did you have to provide online to 21 apply for this? 22 A. Just answer the questions that they 23 asked me.</p>
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<p>1 Q. Do you remember when you applied for 2 this credit line? 3 A. It's May 14. 4 Q. And you received the denial on the same 5 date that you applied? 6 A. Same day. 7 Q. How did you apply? Was it online? 8 A. Online. 9 Q. So you applied online, and you received 10 this immediately? 11 A. Correct. 12 Q. Why did you apply for this line of 13 credit? 14 A. Because I was in Tuscaloosa at the time 15 in May -- because I wanted to pay for a hotel. 16 I didn't want to pay out of pocket, and I 17 wanted American Express. 18 Q. Why did you want American Express? 19 A. I mean, it didn't necessarily have to 20 be American Express, but American Express -- I 21 don't want Discover. 22 Q. Why don't you want Discover? 23 A. I just don't.</p>	<p>1 Q. Do you remember what some of those 2 questions were? 3 A. Just basic information, like putting my 4 information in. 5 Q. Did you have to provide your Social 6 Security number? 7 A. Maybe so. 8 Q. Did you have to provide your income? 9 A. I don't think I had to provide my 10 income. Maybe I did. 11 Q. Did you ever talk to anyone at American 12 Express or purely online? 13 A. Online. 14 Q. Have you had any correspondence with 15 American Express since this denial? 16 A. No. 17 Q. You haven't talked to anyone since this 18 denial? 19 A. No. 20 Q. Did you read this letter when you 21 received it? 22 A. I did. 23 Q. And what makes you think that this</p>

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<p>1 denial could be attributed to Midland?</p> <p>2 A. Because the credit bureaus are</p> <p>3 reporting on here so I know that they looked at</p> <p>4 the credit.</p> <p>5 Q. This letter tells you which report they</p> <p>6 looked at, right, in the second paragraph?</p> <p>7 A. Yes.</p> <p>8 Q. TransUnion; is that right?</p> <p>9 A. Yes.</p> <p>10 Q. And then at the end of that paragraph</p> <p>11 it says, "The following are the primary factors</p> <p>12 in your credit report that affected your</p> <p>13 score?"</p> <p>14 A. Yes.</p> <p>15 Q. It lists four factors. Do you see</p> <p>16 those?</p> <p>17 A. Yes.</p> <p>18 Q. Do any of those specifically refer to</p> <p>19 Midland?</p> <p>20 A. They don't, but I knew at the time.</p> <p>21 Q. And how did you know?</p> <p>22 A. Because -- I mean, the only thing that</p> <p>23 is negative against me is when I was sued.</p>	<p>1 earlier.</p> <p>2 A. That's Experian. Twenty-four is.</p> <p>3 TransUnion, I think, is Twenty-three response.</p> <p>4 Q. TransUnion response dated March 20,</p> <p>5 2009; is that right?</p> <p>6 A. Yes.</p> <p>7 Q. And they attached information about the</p> <p>8 Midland credit --</p> <p>9 A. Still on there.</p> <p>10 Q. -- entry. But after -- you didn't pull</p> <p>11 a new credit report after receiving this</p> <p>12 American Express denial a month later; right?</p> <p>13 A. No.</p> <p>14 Q. Two months later. Excuse me. Did you</p> <p>15 get credit somewhere else at this time?</p> <p>16 A. For a credit card?</p> <p>17 Q. Yes, sir.</p> <p>18 A. No.</p> <p>19 Q. Did you apply anywhere else after</p> <p>20 getting this American Express --</p> <p>21 A. I didn't want to be denied again.</p> <p>22 Q. Did you incur any charges or expenses</p> <p>23 because of this denial?</p>
Page 134	Page 136
<p>1 That's public record. So I know -- I mean, I</p> <p>2 haven't been in trouble. I haven't -- nothing</p> <p>3 until that.</p> <p>4 Q. Have you ever seen anything about the</p> <p>5 lawsuit on your credit reports?</p> <p>6 A. No.</p> <p>7 Q. Do you think American's Express' denial</p> <p>8 was in any way based on that lawsuit?</p> <p>9 A. It had to be.</p> <p>10 Q. Did you look at your TransUnion credit</p> <p>11 report after receiving this letter?</p> <p>12 A. I did.</p> <p>13 Q. Did you have to make a request for that</p> <p>14 credit report?</p> <p>15 A. No. I think they sent it to me when I</p> <p>16 wrote the letter.</p> <p>17 Q. Which letter?</p> <p>18 A. Let's see. Exhibit Twenty-one, I</p> <p>19 think.</p> <p>20 Q. Twenty-one is your letter?</p> <p>21 A. To TransUnion.</p> <p>22 Q. To TransUnion. And then Twenty-four is</p> <p>23 TransUnion's response that we looked at</p>	<p>1 A. The hotel, I had to pay for out of</p> <p>2 pocket and wait for my expenses to come back to</p> <p>3 me.</p> <p>4 Q. So your business -- your employer</p> <p>5 reimbursed you for that hotel?</p> <p>6 A. Yes.</p> <p>7 Q. How would it have been different if you</p> <p>8 had had the American Express card?</p> <p>9 A. Then I wouldn't have to pay for it out</p> <p>10 of pocket. Like -- I mean, if I have other</p> <p>11 things to do -- like I have two kids. Like I</p> <p>12 might need the money that I have to do whatever</p> <p>13 for them instead of paying for a hotel while</p> <p>14 I'm out of town and needing gas and eat. I</p> <p>15 have to eat while I'm out of town.</p> <p>16 Q. Did you pay for those things with cash</p> <p>17 then?</p> <p>18 A. No. Debit card.</p> <p>19 Q. Is that debit card with your --</p> <p>20 A. Redstone.</p> <p>21 Q. Redstone Federal Credit Union?</p> <p>22 A. Yes.</p> <p>23 Q. Do you have any other bank accounts or</p>

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<p style="text-align: right;">Page 137</p> <p>1 debit cards?</p> <p>2 A. I do.</p> <p>3 Q. And who are those with?</p> <p>4 A. It's Wells Fargo now. It used to be</p> <p>5 Wachovia.</p> <p>6 Q. Do you have a bank account with them?</p> <p>7 A. I do.</p> <p>8 Q. Do you have any other credit cards?</p> <p>9 A. Capital One.</p> <p>10 Q. Other than Capital One, any other</p> <p>11 credit cards?</p> <p>12 A. No.</p> <p>13 Q. How long have you had that Capital One</p> <p>14 credit card?</p> <p>15 A. I don't remember.</p> <p>16 Q. Do you know what the limit is on that?</p> <p>17 A. It's only like, I think, fifteen</p> <p>18 hundred.</p> <p>19 Q. And you say you requested a higher</p> <p>20 credit limit --</p> <p>21 A. I did.</p> <p>22 Q. -- at some point? How much did you</p> <p>23 request?</p>	<p style="text-align: right;">Page 139</p> <p>1 you attribute to Midland?</p> <p>2 A. Not right off, no, besides Wells Fargo.</p> <p>3 Q. Are there any other reasons that you</p> <p>4 would experience headaches or loss of sleep</p> <p>5 other than worrying about your credit?</p> <p>6 A. No.</p> <p>7 Q. Is your job stressful when you're</p> <p>8 traveling?</p> <p>9 A. No, because I pretty much stay on top</p> <p>10 of everything.</p> <p>11 MR. TOMPKINS: Let's take a short</p> <p>12 break.</p> <p>13</p> <p>14 (Break.)</p> <p>15</p> <p>16 Q. (BY MR. TOMPKINS:) Mr. Brim, I think</p> <p>17 this will be our last session.</p> <p>18 A. Okay.</p> <p>19 Q. Other than the loss of sleep and the</p> <p>20 headaches, do you have any other physical</p> <p>21 symptoms or problems that you attribute to</p> <p>22 Midland?</p> <p>23 A. Physically, no. Limbs or anything --</p>
<p style="text-align: right;">Page 138</p> <p>1 A. Just a higher limit, whatever they</p> <p>2 would have given me. Even if it was fifty</p> <p>3 dollars.</p> <p>4 Q. Was there anything going on that</p> <p>5 prompted you to request the higher limit?</p> <p>6 A. If I'm out of town for -- I mean, it</p> <p>7 might cost me a thousand dollars a week just</p> <p>8 for a hotel. That's not including food.</p> <p>9 Q. So you requested a higher credit limit</p> <p>10 because you were traveling a lot?</p> <p>11 A. Yes.</p> <p>12 Q. Do you have any store credit cards? We</p> <p>13 talked about the Sam's credit card before.</p> <p>14 A. No, I do not.</p> <p>15 Q. You don't have any other store credit</p> <p>16 cards?</p> <p>17 A. I don't.</p> <p>18 Q. Have you ever had any other store</p> <p>19 credit cards?</p> <p>20 A. I don't.</p> <p>21 Q. Other than the American Express denial</p> <p>22 and the denial of a higher credit limit with</p> <p>23 Capital One, are there any other denials that</p>	<p style="text-align: right;">Page 140</p> <p>1 not nothing physically.</p> <p>2 Q. Well, what about nonphysical?</p> <p>3 A. Mental? Besides what I mentioned</p> <p>4 earlier?</p> <p>5 Q. Well, give me -- what mental problems</p> <p>6 do you attribute to --</p> <p>7 A. No, no, I mean like the stress and</p> <p>8 embarrassment like what I mentioned earlier.</p> <p>9 Q. And other than the stress and the</p> <p>10 embarrassment that we talked about earlier --</p> <p>11 A. And the headaches.</p> <p>12 Q. Stress, embarrassment, headaches, loss</p> <p>13 of sleep, are there any other physical or</p> <p>14 mental problems that you attribute to Midland?</p> <p>15 A. No.</p> <p>16 Q. I show you what I'm marking as</p> <p>17 Defendant's Exhibit Twenty-seven. Have you</p> <p>18 seen this document before?</p> <p>19</p> <p>20 (Whereupon, Defendant's Exhibit Twenty-</p> <p>21 seven was marked for identification and</p> <p>22 copy of same is attached hereto.)</p> <p>23</p>

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<p style="text-align: right;">Page 141</p> <p>1 A. Yes.</p> <p>2 Q. For the record, it's entitled</p> <p>3 Plaintiff's Response to Defendant Midland's</p> <p>4 First Interrogatories and Request for</p> <p>5 Production. The plaintiff, Jamon T. Brim. If</p> <p>6 you look on page -- well, these are not</p> <p>7 numbered, but if you look next to the last</p> <p>8 page, is that your signature?</p> <p>9 A. That is.</p> <p>10 Q. Did you review those responses before</p> <p>11 you signed that?</p> <p>12 A. I did.</p> <p>13 Q. And what was your understanding of the</p> <p>14 purpose of you signing that?</p> <p>15 A. To let you know that I read it.</p> <p>16 Q. Was everything in these responses true?</p> <p>17 A. Correct.</p> <p>18 Q. If you look at Response to Request for</p> <p>19 Production Number Thirteen, you state that</p> <p>20 you've incurred out-of-pocket expenses for</p> <p>21 postage and copies to send disputes to MCM.</p> <p>22 What postage and copies are you referring to</p> <p>23 there?</p>	<p style="text-align: right;">Page 143</p> <p>1 that the plaintiff has suffered physical</p> <p>2 sickness, worry, humiliation, loss of sleep,</p> <p>3 anxiety, nervousness, nausea, loss of appetite,</p> <p>4 frustration, insomnia and loss of his good</p> <p>5 name. Been treated with over-the-counter</p> <p>6 medication. Other than those two medications</p> <p>7 we've talked about, have you taken any</p> <p>8 medications for any of these symptoms?</p> <p>9 A. No.</p> <p>10 Q. Other than the headaches and loss of</p> <p>11 sleep and stress --</p> <p>12 A. And worry.</p> <p>13 Q. Worry, have you experienced any of</p> <p>14 these other things? Any physical sicknesses.</p> <p>15 A. Humiliation, of course.</p> <p>16 Q. And that's what we talked about with</p> <p>17 the sheriff --</p> <p>18 A. Um-hum.</p> <p>19 Q. -- leaving the card? Any other</p> <p>20 humiliation other than the sheriff?</p> <p>21 A. Being denied credit is humiliation in</p> <p>22 itself.</p> <p>23 Q. Have you experienced nausea because of</p>
<p style="text-align: right;">Page 142</p> <p>1 A. The certified copy receipt mailed</p> <p>2 letter. But I sent it to everyone. Three</p> <p>3 credit bureaus and Dell.</p> <p>4 Q. Do you have receipts where you sent all</p> <p>5 those copies?</p> <p>6 A. Yes.</p> <p>7 Q. Have you given those to your attorneys?</p> <p>8 A. Yes.</p> <p>9 Q. You state you also have incurred out-</p> <p>10 of-pocket expenses for over-the-counter</p> <p>11 medication?</p> <p>12 A. Correct.</p> <p>13 Q. Is that referring to the NyQuil and BC</p> <p>14 that we talked about?</p> <p>15 A. Correct.</p> <p>16 Q. Do you know how much you've spent on</p> <p>17 NyQuil and BC that you attribute to Midland?</p> <p>18 A. BC, I get like the big box. I don't</p> <p>19 know -- and I bought a few of them. But I</p> <p>20 don't know how much I've spent. I can't give</p> <p>21 you a monetary value.</p> <p>22 Q. Look at response to interrogatory</p> <p>23 number five a couple pages later. It states</p>	<p style="text-align: right;">Page 144</p> <p>1 Midland?</p> <p>2 A. You know, I get, every now and then,</p> <p>3 like stomach sickness.</p> <p>4 Q. Do you have a history of that?</p> <p>5 A. No.</p> <p>6 Q. When did it start?</p> <p>7 A. I don't remember when it started. Like</p> <p>8 a bloated feeling, if you want to say.</p> <p>9 Q. Have you been experiencing that for</p> <p>10 more than five years?</p> <p>11 A. No.</p> <p>12 Q. More than three years?</p> <p>13 A. Not three years. I would say maybe</p> <p>14 two.</p> <p>15 Q. Do you attribute that to Midland?</p> <p>16 A. Well, stress, yes.</p> <p>17 Q. Turn to interrogatory number thirteen.</p> <p>18 Your response states that "Plaintiff did not</p> <p>19 apply for credit from Dell or Dell Financial</p> <p>20 when he purchased the computer from Dell in</p> <p>21 November 2004. The plaintiff states he paid</p> <p>22 for the computer in full by a check over the</p> <p>23 phone during the same conversation with a Dell</p>

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<p style="text-align: right;">Page 145</p> <p>1 representative from which he ordered the 2 computer." Is that incorrect? 3 A. It's like they were giving me thirty 4 days to say that -- basically, like to 5 establish credit. 6 Q. Did you understand at the time you made 7 the order over the phone that they were opening 8 a line of credit with Dell Financial for you to 9 purchase that computer? 10 A. I knew that I had a thousand dollars to 11 pay for the computer right then. So I said, 12 "I'll pay you when I get the computer, 13 basically." 14 Q. Okay. So you did not pay them at the 15 same time you ordered -- 16 A. No. 17 Q. -- the computer over the phone? 18 A. No. 19 Q. Okay. You also sued Midland Funding in 20 this lawsuit. Have you ever heard -- when is 21 the first time you heard of Midland Funding? 22 A. With Midland -- I think that was on the 23 letter from the lawsuit. It was not even on</p>	<p style="text-align: right;">Page 147</p> <p>1 A. No. 2 Q. Did you have any out-of-pocket expenses 3 for that lawsuit? 4 A. No. 5 Q. You didn't have to -- I think you 6 testified that that's when you first saw your 7 current attorneys? 8 A. Yes. 9 Q. But you also testified you didn't pay 10 your attorneys anything. So you didn't have to 11 pay any attorneys fees in connection with that 12 lawsuit? 13 A. No. 14 Q. Do you have any other evidence that you 15 want to tell me about for your embarrassment 16 other than what we've talked about today? 17 A. No. Do I want to present anything, 18 you're asking me? 19 Q. Yeah. Is there anything you want to 20 tell me about your embarrassment or your 21 humiliation? 22 A. No. 23 Q. And there are no other credit denials</p>
<p style="text-align: right;">Page 146</p> <p>1 white paper. It was a colored letter that 2 explained the lawsuit. 3 Q. Have you ever seen -- other than the 4 lawsuit, have you ever seen the name Midland 5 Funding on any documentation -- 6 A. No. 7 Q. -- related to this Dell account? 8 A. Not that I can remember. 9 Q. Do you ever remember seeing Midland 10 Funding on your credit reports? 11 A. I don't remember. I might have. I 12 don't remember. 13 Q. You said that the only time you've 14 heard of Midland Funding, and you remember, is 15 in connection with the lawsuit. Is that 16 lawsuit any part of your complaint against 17 Midland now? 18 A. Of course. That's embarrassing, 19 humiliation. That's when the guy brought the 20 card and left it on my door. 21 Q. Other than the embarrassment and 22 humiliation, are there any other damages that 23 you attribute to that lawsuit?</p>	<p style="text-align: right;">Page 148</p> <p>1 other than the ones we've talked about that you 2 attribute to Midland? 3 A. That I can remember. 4 Q. Is there any more -- any additional 5 physical problems other than the ones we've 6 talked about? 7 A. No. 8 Q. Any other emotional problems other than 9 the ones we've talked about? 10 A. No. 11 Q. What do you think Midland should have 12 done differently? 13 A. They should have -- when they got the 14 first bank statement letting them know that it 15 was paid, they should have contacted Dell -- 16 they should have showed me where they contacted 17 Dell showing me that Dell is telling them that 18 they owe this money -- I mean that I still owe 19 them money and why after I have shown them 20 proof. And why did it take so many letters for 21 me to write them? Why did it have to come to 22 this for them to finally get it taken care of? 23 Q. So you think Midland should have</p>

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<p style="text-align: right;">Page 149</p> <p>1 contacted you after receiving --</p> <p>2 A. No, no. They should have at least let</p> <p>3 me know why they -- after my first letter.</p> <p>4 After my first fax or whatever let me know why</p> <p>5 they was not taking it off. Like -- not just</p> <p>6 say, "We're not taking it off." Let me know</p> <p>7 why.</p> <p>8 Q. Do you think Midland did anything</p> <p>9 intentionally to hurt you?</p> <p>10 A. I don't know what the purpose of</p> <p>11 leaving it on was after me sending a bank</p> <p>12 statement -- after me sending them what they</p> <p>13 requested.</p> <p>14 Q. And given the expenses we've talked</p> <p>15 about and the emotional and physical damages</p> <p>16 that you're claiming, putting aside your</p> <p>17 attorneys' fees, what amount do you think makes</p> <p>18 you whole after this ordeal?</p> <p>19 A. Like the minimum I said earlier. I</p> <p>20 think I said a minimum of a hundred thousand</p> <p>21 just because -- I mean, it's been so much time,</p> <p>22 time, time, letters. It's been a lot put into</p> <p>23 this trying to get my credit right even before</p>	<p style="text-align: right;">Page 151</p> <p>1 C E R T I F I C A T E</p> <p>2 S T A T E O F A L A B A M A )</p> <p>3 I hereby certify that the above and</p> <p>4 foregoing deposition was taken down by me in</p> <p>5 stenotype and the questions and answers thereto</p> <p>6 were transcribed by means of computer-aided</p> <p>7 transcription, and that the foregoing</p> <p>8 represents a true and correct transcript of the</p> <p>9 testimony given by said witness upon said</p> <p>10 hearing.</p> <p>11 I further certify that I am neither of</p> <p>12 counsel, nor of kin to the parties to the</p> <p>13 action, nor am I in anywise interested in the</p> <p>14 result of said cause.</p> <p>15</p> <p>16</p> <p>17 /s/Lori S. Sizemore</p> <p>18 Lori S. Sizemore, CCR, RPR</p> <p>19 CCR #282, Expires 9/30/10</p> <p>20 Commissioner for the State</p> <p>21 of Alabama at Large</p> <p>22 My Commission Expires 7/16/13</p> <p>23</p>
<p style="text-align: right;">Page 150</p> <p>1 I obtained an attorney.</p> <p>2 MR. TOMPKINS: Mr. Brim, that's all I</p> <p>3 have for you. Thank you for being forthcoming</p> <p>4 with me. Your attorney may have a couple of</p> <p>5 followups.</p> <p>6 A. Thank you.</p> <p>7 MR. SYKSTUS: I don't.</p> <p>8</p> <p>9 FURTHER DEPONENT SAITH NOT.</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	

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